

ORIGINAL

Decision 82 06 084 JUN 15 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Merced Transportation, a California)
corporation, for a Class "B")
certificate to operate as a charter-)
party carrier of passengers in)
Merced.)

Application 82-03-76
(Filed March 22, 1982)

O P I N I O N

Merced Transportation, a California corporation, seeks a Class B charter-party carrier of passengers certificate to operate from its home terminal at 510 West 19th, Merced.

The application was noticed on the Commission's Daily Calendar and was served upon 15 bus companies in the Merced area including Greyhound Lines, Inc. (Greyhound).

Greyhound filed a protest, but, by stipulation, Greyhound withdrew its protest upon applicant's filing of the following restrictive amendment to its application:

"The authority granted will be limited to a five-bus fleet, unless a larger fleet is authorized by the Commission upon a petition to be filed later, with the provision that no application to enlarge the fleet size limitation shall be filed for at least one year following the grant of a certificate by the Commission."

The Transportation Division has no objection to the granting of the requested authority. A public hearing is not necessary.

Applicant's application shows that it provides school bus transportation under contract with the school district, using more than 40 vehicles in this service. It performs ambulance service in the Merced area. Further, on October 23, 1981, applicant was issued TCP-1768P permit to operate as a charter-party carrier using vehicles with a passenger capacity of less than 15 passengers.

If this application is granted, Merced Transportation will acquire minibus/van style vehicles with a passenger capacity of between 21 and 27, and one or more large buses with seating capacity of 43 to 49 passengers, subject to the limitation set forth above.

Applicant's fitness and financial ability to provide the proposed service are shown in the application, including a financial statement dated November 30, 1981.

Applicant is advised that if, after one year from the date of this order, it wishes to have the restriction removed from its certificate, application for such removal may be made to the Commission.

Findings of Fact

1. There is a substantial need for the charter-party service proposed by applicant.
2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed charter service limited to a five-bus fleet to be authorized in the order which follows.
3. Public convenience and necessity require the service proposed by applicant.
4. A public hearing would have been scheduled in accordance with Public Utilities Code § 5375.1, but since Greyhound withdrew its protest upon amendment of the application the hearing would have served no useful purpose.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity have been demonstrated, and a certificate should be granted subject to the restriction in the amendment to the application.

2. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal.

3. Since the protest has been withdrawn and applicant should proceed without delay in providing the proposed service, the order should be effective today.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to Merced Transportation authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 510 West 19th, Merced.

2. Applicant's service shall be restricted to the operation of five buses.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695, as authorized by Resolution PE-303, when it receives California Highway Patrol clearances and evidence of liability protection in compliance with General Order Series 115.

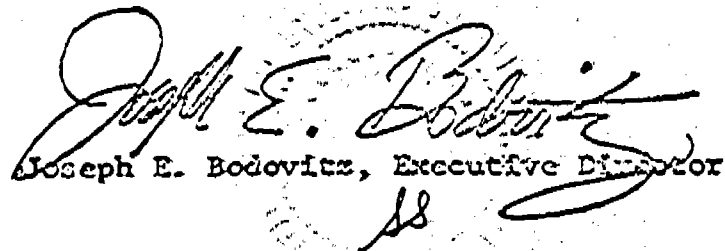
4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

This order is effective today.

Dated JUN 15 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director