

ORIGINAL

Decision 82 08 034 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of JOHN A. AUSTIN dba J. A. AUSTIN)	Application 82-05-10
TRANSPORTATION for a Class B)	(Filed May 5, 1982)
charter bus certificate from)	
home terminal in Palmdale, CA.)	
_____)	

O P I N I O N

Applicant John A. Austin, dba J. A. Austin Transportation, requests a Class B certificate to operate as a charter-party carrier of passengers from a service area with a radius of 40 air miles from his home terminal at 3326 Avenue "Q" East, Palmdale, California.

Applicant states he has five years' experience operating school bus service for disabled and handicapped children within Palmdale and therefore possesses the necessary skills to provide the proposed operations.

As set forth in the application, applicant's assets were \$236,724 and liabilities were \$41,092 as of March 31, 1982. Applicant projects annual revenues of \$292,000 and annual expenses of \$156,727 in the charter operations of his 1962 GMC 41-passenger bus, his 1980 Ford 32-passenger bus, and his 1979 Chevrolet 20-passenger bus, all for intercity operations.

Notice of the filing of the application appeared on the Commission's Daily Calendar of May 7, 1982 and a copy of the application was served on, among others, Greyhound Lines, Inc. (Greyhound).

On June 4, 1982 Greyhound filed a protest stating its position that in accordance with Public Utilities (PU) Code Section 5375.1 the territory being sought by applicant is being adequately served by the existing charter-party carriers and the application should therefore be denied. However, Greyhound stated that it would withdraw its protest provided applicant would amend the application so that the 40-air-mile pickup zone shall exclude any pickup service in the City of Los Angeles. By letter dated June 10, 1982, applicant notified this Commission that the exclusion of Los Angeles from the pickup area was acceptable. Consequently, by letter dated June 14, 1982, Greyhound withdrew its protest provided the restriction is acceptable to this Commission. No other protests have been received. A public hearing is not necessary.

Applicant is advised that should circumstances change in the future and applicant wishes to have the restriction removed from his certificate, application for this removal may be made to the Commission.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
3. The certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers should specify that the 40-air-mile pickup zone shall exclude any pickup in the City of Los Angeles.

4. 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 stipulated to by applicant and protestant.

2. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal, except within the City of Los Angeles.

3. Since there is an immediate public need for the 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 John A. Austin authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 3326 Avenue "Q" East, Palmdale, California.

2. Applicant's 40-air-mile pickup zone shall exclude any pickup service in the City of Los Angeles.

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.

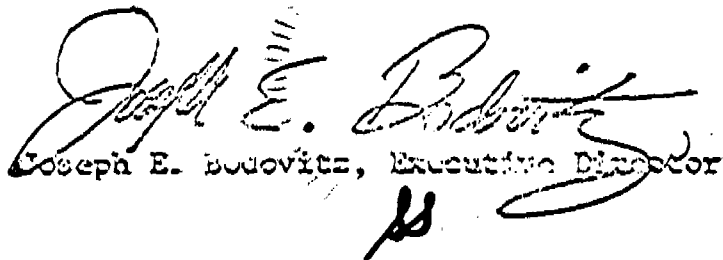
This order is effective today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
COMMISSIONERS

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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


Joseph E. Bodovitz, Executive Director