

Decision 83 02 024 FEB 2- 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of A.T.L. Charters, Inc., for a )  
certificate to operate as a )  
Class "B" Charter-party Carrier )  
of Passengers in Santa Ana, )  
California. )

Application 82-09-49  
(Filed September 29, 1982)

O P I N I O N

Applicant A.T.L. Charters, Inc. requests authority to operate as a Class "B" charter-party carrier of passengers from a service area with a radius of 40 air miles from its home terminal at 2111 S. Anne St., Santa Ana, Orange County, California 92704.

Greyhound Lines, Inc. (Greyhound) filed a protest and request for hearing. In response to this protest applicant pointed out, by letter dated November 4, 1982 to the Commission, that since it uses school- and city-type buses which have been modified to transport the handicapped, a restriction to that type of equipment on the Class "B" authority being sought would be appropriate. By letter dated November 10, 1982 Greyhound is withdrawing its protest provided the indicated restriction is imposed. If applicant ever wishes to operate unmodified or other types of buses, it may file an application to modify this decision.

Applicant presently holds a charter-party permit (TCP-637P), has extensive experience in the transportation of passengers, and operates a fleet of buses. As of May 31, 1982 applicant's total assets were \$249,913 and its total liabilities were \$80,506.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the service to be authorized in the order which follows.
2. Public convenience and necessity require that service.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. The application appeared October 1, 1982 on the Commission's Daily Transportation Calendar. One protest was received and it was withdrawn.
5. A public hearing would have been scheduled in accordance with Public Utilities Code Section 5375.1, but since all parties agreed to a certificate with certain restrictions the hearing would have served no useful purpose.

Conclusions of Law

1. Public convenience and necessity have been demonstrated for operation of school- and city-type buses modified to transport the handicapped and a certificate should be granted for that operation.
2. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal.
3. Since there is an immediate 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 A.T.L., Inc., authorizing it to operate as a Class "B" charter-party carrier of passengers, as defined in Public Utilities Code Section 5383, from a service area with a radius of 40 air miles from its home terminal at 2111 S. Anne St., Santa Ana, California 92704. Applicant shall operate only school- and city-type buses modified to transport the handicapped.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP 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 CHP safety rules.

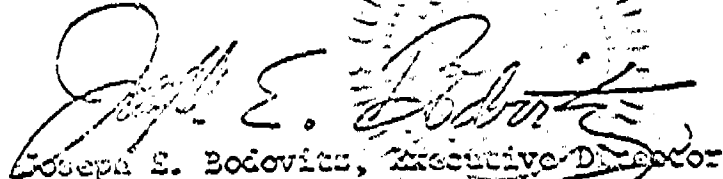
5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

This order is effective today.

Dated FEB 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph S. Bodovits, Executive Director