

Decision 83 03 C45 MAR 16 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of HERBERT L. BURNLEY, doing )  
business as Burnley Motor Coach )  
Tour, for a Class B charter bus )  
certificate from home terminal )  
in San Francisco, California. )

Application 82-11-17  
(Filed November 5, 1982)

O P I N I O N

This is an application by Herbert L. Burnley (applicant), doing business as Burnley Motor Coach Tour, seeking a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers. Applicant requests authority to operate within a radius of 40 air miles from a terminal in San Francisco.

Notice of the filing of the application appeared in the Commission's Daily Calendar on November 10, 1982. No protests to the application were filed within the 30-day period, which expired on December 10, 1982. On February 10, 1983, Lorrie's Travel & Tours, Inc. (Lorrie's) filed a motion requesting the Commission to waive Rule 8.3 and permit Lorrie's to file a protest. Examination of the motion discloses general, conclusory allegations with no specific facts. The motion for a waiver of Rule 8.3 is denied.

The verified application indicates that applicant has experience as a bus driver, limousine driver, tour guide, and tour coordinator. The application indicates that applicant has a net worth of \$313,800.

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. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 400 North Point Street, San Francisco.

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.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted.

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 Herbert L. Burnley authorizing him to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code § 5383, from a service area within a radius of 40 air miles from applicant's home terminal at 400 North Point Street, San Francisco.

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.

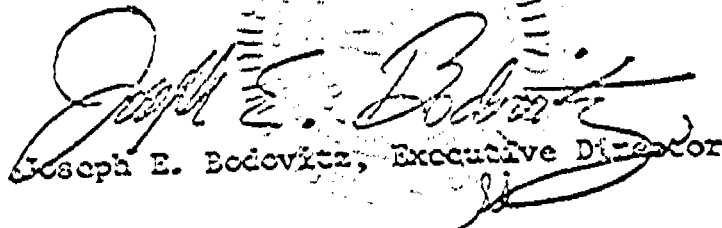
This order becomes effective 30 days from today.

Dated MAR 16 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 E. Bodovitz, Executive Director