

Decision 83 10 067 OCT 19 1983**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Valley Transit )  
System for a certificate of public )  
convenience and necessity to )  
operate a passenger-stage business )  
within County of Imperial. )

Application 83-10-01  
(Filed October 3, 1983)

O P I N I O N

Gene Autry Anderson (applicant), an individual doing business as Valley Transit System, seeks a certificate of public convenience and necessity under § 1032 of the Public Utilities Code to operate as a passenger stage corporation over three separate routes in Imperial County. Applicant proposes to operate:

1. Between Calexico and Imperial Valley College (IVC) via Heber and El Centro,
2. Between Brawley and IVC via Imperial and El Centro,
3. Between Niland and IVC via Calipatria, Westmorland, Brawley, and Imperial.

Applicant alleges that the public convenience and necessity require the proposed services for the following reasons:

1. Although Kennedy Transit provides Imperial Valley College students public transportation within Imperial County with the exception of the proposed new route from Holtville to Imperial Valley College, Imperial Valley College voted to subsidize applicant because it felt he was the most qualified in terms of background, financial stability, and implementing a sound service maintenance program for the welfare of college students because Kennedy Transit service in the past experienced problems in providing the service.

2. College students in Imperial County need competent and efficient transportation service to and from urban centers as well as to and from the Community College on a reliable and affordable basis.
3. Because of 40% unemployment in Imperial County, the peso devaluation, reductions in educational funds, and inflation, students, physically limited, senior citizens, and other transportation disadvantaged individuals do not have or cannot afford to use private automobiles to travel between their homes and IVC.
4. The private sector is unable to fund such a program of this magnitude without a subsidy. Applicant has been awarded a subsidy in order to enable the disadvantaged and other residents in Imperial County to have the opportunity for education.
5. The lack of public transportation has isolated many residents in Imperial County from receiving social, employment, medical, educational, and other supportive services which the main stream enjoys.

Attached to the application is a map showing the proposed routes of operation, proposed time schedules, a description of the equipment to be used to perform the proposed service, and applicant's financial statement. Applicant will use two 1973 44-passenger buses. Applicant's financial statement shows that he will have sufficient resources to initiate the proposed operations.

Applicant has furnished a copy of the application to Greyhound Bus Lines, Campesinos Unidos, Inc., and the Economic Opportunity Commission, which hold operating authority in the area proposed to be served. Notice of the filing of the application appeared on the Commission's Transportation Calendar of October 6, 1983. There are no protests filed to date. Because of the need for the new subsidized service we will cut short our usual 30-day protest period and authorize applicant to operate now. Applicant is placed on notice however that should a bonafide protest be filed on or before November 5, 1983 we may set the matter for hearing and require both applicant and protestant to present their case.

The application should be granted. Inasmuch as the operations will be performed under a grant from IVC and as the school year has already commenced, the order should become effective on date of issuance.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
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. A public hearing is not necessary.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted to applicant.
2. This order should become effective on date of issuance so that needed subsidized bus operations may commence.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Gene Autry Anderson authorizing him to operate as a passenger stage corporation as defined in PU Code § 226, between the points set forth in Appendix PSC 1319, to transport persons and their baggage.
2. Applicant shall:
  - a. File a written acceptance of this certificate within 30 days after this order is effective.
  - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.

- c. State in his tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

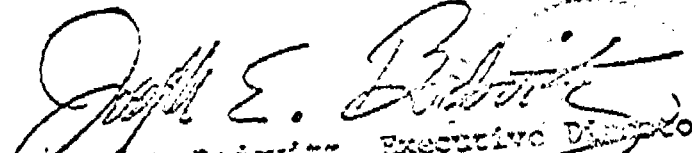
3. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

This order is effective today.

Dated OCT 19 1983, San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. CREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

T/ctb

Appendix PSC-1319

Gene Autry Anderson dba  
Valley Transit System

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC - 1319

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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All changes and amendments as authorized by the Public Utilities  
Commission of the State of California will be made as revised  
pages or added original pages.

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Issued under authority of Decision 83 10 067, dated  
OCT 19 1983, of the Public Utilities Commission of the  
State of California, in Application 83-10-01.

T/ctb

Appendix PSC-1319

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Decision 83 10 067, Application 83-10-01.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

Gene Autry Anderson, doing business as Valley Transit System, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between certain communities in Imperial County, on the one hand, and the Imperial Valley College (IVC), on the other hand, over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- b. When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.

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Decision 83 10 067, Application 83-10-01.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS. (Continued)

- c. The carrier shall identify the exact location of all terminals served in all tariffs and timetables filed on the carrier's behalf with the Commission.
- d. The tariff publications shall contain clear and concise statements of rules and individual fares in order that prospective customers will be able to determine in advance the charges to be assessed for the service that is to be performed.
- e. No stopover privileges shall be allowed when distance from main terminal is less than fifty (50) miles.
- f. No reservations for special seats shall be made except for the physically handicapped.
- g. No advance reservations shall be made for transportation.
- h. Only personal property incidental to the transportation of passengers shall be carried.
- i. No animals shall be allowed on buses, except when required for the safety of the handicapped.

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SECTION 3. ROUTE DESCRIPTIONS.

Route 1 - Between Calexico and Imperial Valley College (IVC) via  
Heber and El Centro.

Route 2 - Between Brawley and IVC via Imperial and El Centro.

Route 3 - Between Niland and IVC via Calipatria, Westmoreland,  
Brawley, and Imperial.

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