

ORIGINAL

Decision No. 86670

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DICK RECANIA dba
IMPERIAL LIMOUSINE SERVICE for a
permit to operate a charter party
carrier of passengers service.

(File No. TCP-598)

Application No. 55863
(Filed August 14, 1975)

Application of DARIUSH KAMYARAN dba
DARIS LIMOUSINE SERVICE for a permit
to operate a charter party carrier of
passengers service.

(File No. TCP-605)

Application No. 55885
(Filed August 11, 1975)

Application of TIMOTHY MUNRO ENGLISH
dba LIMOUSINE SERVICE OF CALIFORNIA
for a permit to operate a charter
party carrier of passengers service.

(File No. TCP-602)

Application No. 55887
(Filed August 15, 1975)

Application of THEODORE SHEFFIELD SAY
dba LIMOUSINE TED for a charter-party
carrier of passengers permit.

(File No. TCP-516)

Application No. 55955
(Filed September 23, 1975)

Application of ANTON SEVIR dba ANTON
SEVIR LIMOUSINE SERVICE for a charter-
party carrier of passengers permit.

(File No. TCP-568)

Application No. 55956
(Filed September 23, 1975)

Application of DALE D. BRATTEN and
CHARLES ELLIS dba CENTINELLA VALLEY
LOCAL AIRPORT LIMOUSINE SERVICE AND
CHARTER-A-RIDE for a charter-party
carrier of passengers permit.

(File No. TCP-510)

Application No. 55957
(Filed September 23, 1975)

Application of C. T. CRAWFORD dba
CRAWFORD'S LIMOUSINE SERVICE for a
charter-party carrier of passengers
permit. (File No. TCP-144)

Application No. 55958
(Filed September 23, 1975)

Application of SANTA MONICA CAB COMPANY,
INC., dba CHECKER RED CAB AND MARINA
CHECKER CAB for a permit as a charter
party carrier of passengers, Los Angeles.

Application No. 56010
(Filed October 17, 1975)

Application of JOHN TABOR, JR., dba
CAPTAIN JOHN'S LIMOUSINE, for a
charter party carrier of passengers
permit, Hawthorne.

Application No. 56023
(Filed October 24, 1975)

File No. TCP-624

(Appearances are listed in Appendix A)

O P I N I O N

This proceeding involves nine separate applications for passenger charter-party carrier permits pursuant to the Passenger Charter-party Carriers' Act, California Public Utilities Code Sections 5351-5419. (All references are to the Public Utilities Code unless otherwise noted.) Eight of the applications request that permits be issued pursuant to Section 5384(b), which limits carriers to vehicles under 15-passenger seating capacity. Santa Monica Cab Company, Inc. (A.56010), requests a permit pursuant to Section 5384(a), a limited, special contract service.

A prehearing conference was held October 27, 1975 at Los Angeles, California. The city of Los Angeles (City) appeared as an interested party. The City opposes the issuance of the requested permits. Additional parties objecting to the issuance of the permits included Airport Service, Inc., a certificated passenger stage carrier (an interested party) and protestant Airport Taxicab Security (ATS), a joint venture comprised of taxicab companies franchised and regulated by the city of Los Angeles.

Nine applications were consolidated for public hearing. Eight days of hearings were held from December 3, 1975 through March 19, 1976 at Los Angeles, California, before Examiner Charles E. Mattson. Concurrent briefs were submitted April 30, 1976 and May 14, 1976.

The Jurisdictional Problem

These cases present yet another dispute arising in the area of regulation of small passenger vehicles for hire in the State of California. The adversaries are the applicants who operate (or wish to operate) under charter-party permits, and the taxicab transportation companies franchised and regulated by the city of Los Angeles. These groups are fighting for the right to pick up deplaning passengers at Los Angeles International Airport.

Certain of the applicants have obtained annual permits from this Commission to operate as charter-party carriers of passengers (Section 5384). The Charter-party Carriers' Act applies only to vehicles with a seating capacity of more than five passengers, excluding the driver (Section 5359). The state act does not apply to taxicab transportation service "licensed and regulated by a city or county, by ordinance or resolution, rendered in vehicles designed for carrying not more than eight persons excluding the driver." (Section 5353(g)) It is undisputed that the city of Los Angeles does license and regulate taxicab transportation service.

The Department of Public Utilities and Transportation of the city of Los Angeles is responsible for the regulation of vehicles for hire in the city of Los Angeles. The Los Angeles Municipal Code Section 71.00 defines taxicabs. Section 71.02(b) of the Los Angeles Municipal Code provides that no person shall operate any taxicab except under and in accordance with terms and conditions of a franchise granted by the City. The City has granted franchises to a number of taxicab companies, and has provided, by ordinance, that a surcharge will be added to each regular metered fare of each taxicab trip originating at the Los Angeles International Airport (L. A. Ord. No. 146, 829). This surcharge is transferred to a nonprofit association, Airport Taxicab Security, and ATS is authorized to use such monies for no purpose other than supervision of taxicab operations within the airport. The Board of Public Utilities and Transportation of the city of Los Angeles has adopted orders establishing rates and charges for taxicab service in the city of Los Angeles and operator rules and regulations applicable to all taxicab drivers and taxicab operators.

The Department of Airports of the city of Los Angeles manages, operates, and controls the airports of the city of Los Angeles through its Board of Airport Commissioners. Among the airports operated by this department is Los Angeles International Airport, covering an area of approximately 3,400 acres. This airport is a major international airport with 39 domestic and international carriers, and approximately 2,000 aircraft operations per day.

The airport has parking space for approximately 10,000 vehicles and handles the movement of approximately 24 million passengers per year. Airport access limitations for members of the traveling public to and from the passenger terminal areas has been the cause of numerous and substantial congestion problems and passenger delays. There is a limited area available within the airport boundaries for short-term parking and passenger loading and unloading.

Parking for passenger and baggage loading and unloading in front of airline terminal buildings (where curbs are painted white) is limited to the time that is actually required for loading and unloading, and in no event for a period longer than three minutes. There is a constant admonition on loud speakers in the area of the white curb advising the public that the white zone area is for immediate loading and unloading of passengers only and that no parking is allowed.

The second area generally used to load and unload passengers or personal baggage within the airport would be in public parking areas located across the street from the terminal buildings. There is no time limit on the use of parking lots and access to each

of the terminal buildings is provided from these lots. Anyone having a need to park a vehicle in excess of three minutes or for reasons other than immediate loading and unloading may use these public lots.

Six taxicab firms presently franchised by the City serve the airport under airport operating agreements. Taxicab operators licensed by the Department of Airports are not allowed to solicit deplaning passengers but are available at selected locations (not at the white curbs outside the passenger terminals). Limousine service can be obtained by the use of wall-mounted telephone boards at each separate location and baggage claim area, each telephone with a direct connection to a limousine operator. The limousine operator pays a monthly fee to the Department of Airports in order to maintain the wall-mounted telephone service. No special curb waiting zones are provided to the limousine operator who has the contract to maintain the telephones. It is the position of the Department of Airports that the charter-party operators are engaging in business and commercial activities on the airport without applying for and obtaining an appropriate license, lease, or permit required by Article IV, Section 23.27(b) of the Administrative Code of the City.

The charter-party vehicle operations at Los Angeles International Airport are conducted under permits issued for vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight (Section 5384(b)). The undisputed evidence is that the vehicles are either used taxicabs, late model Checker vehicles commonly used as taxicabs, Checker stationwagons (A.55957), and a Checker nine-passenger vehicle (A.56010). With the exception of one nine-passenger Checker vehicle involved in A.56010, all are listed as seven-passenger vehicles and all obtain seven-passenger

capacity by virtue of two jump seats that fold away when not in use. The vehicles are painted a distinctive color and equipped with a top light. Some (not all) of the vehicles may be equipped with a meter.

The charter-party vehicles enter the airport and cruise until they are flagged by a customer. They transport the customer to his destination and charge on a mileage basis (or on a time and distance combination, or on a negotiated price for a trip). The charter-party carrier rate level is unregulated but the basis of the rate charged must be on time or distance (or a combination), and individual fares are prohibited (Section 5401).

Applicants' Contentions

In an effort to escape the obvious conclusion that Section 5353(g) excludes taxicab transportation service licensed and regulated by the City from the Passenger Charter-party Carriers' Act, counsel for the applicants have presented a number of arguments.

A basic contention on behalf of applicants is that charter-party carriers can operate a substitute taxicab service. This claim may be valid in areas of the State of California where local agencies do not regulate taxicab service, however, taxicab transportation service operated in the City is subject to extensive regulation. City ordinances require permission from the City in order to conduct such operations. The claim that taxicab transportation service established in violation of local regulation is not licensed and regulated service under Section 5353(g) is without merit. The premise that an illegal taxicab operator can determine whether he will be subject to city or state regulation is an unreasonable construction of the statute. Applicants argue that the charter-party vehicles cannot be taxicabs because they do not use taxi meters as required for legal taxicab service in the City. This argument is simply a further refinement of the argument that unlawful taxicab operations are not taxicab operations included within Section 5353(g).

Counsel for applicants who have obtained annual permits to operate charter-party service contend that such applicants now have a "vested right" to continue their present operations. There cannot be a vested right to continue taxicab transportation service unauthorized under state law and established in violation of applicable local ordinances. An annual permit to operate a transportation service subject to the rules and regulations of this Commission cannot be converted into a perpetual right to conduct whatever operations were initially established. The building permit and zoning cases cited by applicant as authority for a "vested interest" do not involve regulated transportation operations and are not in point.

An additional argument is that applicants provide transportation for interstate travelers to and from Los Angeles International Airport, and since these passengers are in interstate commerce such transportation is not subject to local regulation. Local regulations are said to be void as an undue burden on interstate commerce in violation of Article I, Section 8 of the United States Constitution. One applicant presented evidence that he supplied prearranged passenger service for travelers in foreign commerce. However, we can assume that prearranged charter service is authorized under the charter-party permits. The passenger service in dispute arises when charter-party vehicles cruise at Los Angeles International Airport and are hailed by potential customers outside the passenger terminals. The applicable rule is set forth in United States v Yellow Cab (1947) 332 U.S. 218, 230-233 (quoted at length at pages 10-14 of the Responsive Brief dated May 14, 1976 of ATS). The rule is that in the absence of some

special arrangement, vehicular transportation supplied an air traveler after he has deplaned and departed from the passenger terminal is separate and distinct from the interstate journey.

Applicant suggests that the local regulations are an unlawful attempt to restrain trade. No authority is cited in support of this suggestion. There is no evidence that regulation of taxicab service and rates by the City is an improper exercise of local governmental power.

Airport Taxicab Security - Protestant

ATS appeared as a protestant at the hearing. ATS opposes the issuance or reissuance of charter-party permits to all applicants other than Santa Monica Cab Company. The evidence presented at hearing by ATS establishes that the applicants presently conducting vehicle for-hire operations obtain a substantial amount of business by circling Los Angeles International Airport, traveling in front of the terminal buildings in the area of the white curb, and contacting customers after being hailed. The evidence establishes that ATS regulates the taxicabs franchised by the City and franchised taxicabs are not allowed to circle the "inner" lane next to the terminal buildings.

ATS maintains that the evidence establishes that the applicants are unfit (with the exception of Santa Monica Cab Company) because they have operated in violation of restrictions on their charter-party carrier certificates; failed to keep adequate trip records required by Commission's General Order No. 98-A, Section 13.01; engaged in commercial activity on the premises of Los Angeles International Airport without having applied for and obtained an appropriate license or permit in violation of the Los Angeles Administrative Code, Division 23, Chapter 1, Article IV, Section 23.27(b); solicited customers in violation of the rules and

regulations for taxicab company operations at Los Angeles International Airport, Rule 9 and Los Angeles Administrative Code, Division 23, Chapter 1, Article IV, Section 23.27(b); parked in violation of Los Angeles Municipal Code Section 89.39; and used meters which have not been certified in accordance with the California Business and Professions Code Section 12500, et seq. and Los Angeles Municipal Code Section 71.22. With the exception of applicant Charles Ellis, ATS maintains the applicants have also operated without regard to the requirements of local business license and tax ordinances.

Applicants do not seriously contest the claim of ATS that present charter-party operations involve substantial generation of passenger business at Los Angeles International Airport. Applicants essentially take the position that they are not soliciting business at Los Angeles International as they drive through the passenger terminal areas expecting to be hailed by some potential passenger. Applicants deny that they stop their vehicles and request or actively approach potential passengers.

Applicants do not deny that they operate without compliance with ordinance requirements. Their position in this regard is that failure to comply with the ordinance provisions is not unlawful for they maintain that they are not subject to control by the City or its departments.

The Evidence and Position of the Commission Staff

The Commission staff conducted an investigation after receiving complaints from the city of Los Angeles Department of Public Utilities and Transportation, the Department of Airports, and ATS alleging illegal activities of persons operating under authority of charter-party permits granted pursuant to Section 5384(b) of the

California Public Utilities Code. The Commission exercises regulatory jurisdiction over charter-party carriers as to fitness to operate, insurance, and safety. The Commission does not exercise any control over the rates charged other than to enforce Section 5401 which provides that charges shall be computed and assessed on a vehicle mileage or time or use basis, or a combination thereof, and that no individual fare rates shall be charged.

When complaints were received by the staff that certain charter-party operators were conducting taxicab operations at Los Angeles International Airport, the staff investigated and determined that certain charter-party carriers were involved in the complaints: John Tabor, doing business as Captain John's Limousine Service, Permit No. TCP-623; Theodore Sheffield Say, doing business as Limousine Ted, Permit No. TCP-516; Crill T. Crawford, doing business as Crawford's Limousine Service, Permit No. TCP-144; and Dale Bratten and Charles Ellis, doing business as Charter-A-Ride, Permit No. TCP-510. The make and model of the vehicles used by each carrier was a model A-11 Checker sedan capable of carrying seven passengers excluding the driver, with the exception of the use of Checker stationwagon vehicles by Charles Ellis and Dale Bratten.

In April of 1975 the staff observed the operations of the carriers in question at Los Angeles International Airport. The vehicles of the charter-party carriers circled the terminal areas in the airport in the main traffic lanes without passengers, and occasionally drove in the lanes referred to as the inner or passenger loading lanes cruising very slowly, occasionally stopping adjacent to what appeared to be deplaning persons. Two men were observed to hail a vehicle bearing the markings TCP-516 on the rear, and this

vehicle took the two passengers to the Holiday Inn in Brentwood. The staff noted that with the exception of the vehicles used by Charter-A-Ride the vehicles were carrying identification Nos. TCP-516 and TCP-524, were painted yellow or a yellowish color, and were equipped with a dome light with the inscription "limousine" or a telephone number thereon. No other identifying marks were apparent.

Following its observations the staff informed Theodore Sheffield Say by letter and advised him that the combination of color, dome light, and vehicle model, in the staff's opinion, gave the impression of a taxicab and requested him to paint or mark his vehicles so as to dispel this impression. Mr. Say advised the staff by telephone that he would comply with the request. On June 6, 1975 the staff inspected the vehicles at the terminal of Limousine Ted and observed that Mr. Say had repainted his vehicles a brilliant red color and affixed a light-diffusing contact tape cut to form the letters TCP-516 and the legend "Limousine Ted" on the sides and rear of the vehicles. The vehicles had been upholstered with a unique drapery-like material, and were equipped with stereo radios and a taxi meter-like device.

As a result of staff discussions with members of the city of Los Angeles Department of Public Utilities and Transportation, Taxicab Association members, the Los Angeles International Airport Department of Airports, ATS, and information from persons in the San Francisco area regarding alleged illegal operations at major airports, the Commission added the following statement to all new charter-party permits issued or renewed:

"This permit 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."

The staff also adopted the policy that all new applications received by the Commission which sought authority under Section 5334(b) of the Public Utilities Code and contemplated use of a Checker vehicle would be served upon municipalities which might be interested for any representations that they might wish to make prior to the granting of such applications. Subsequently, the Commission received protests to the applications involved in these consolidated proceedings and requests for public hearings.

Discussion

The Commission staff position presented at public hearing is that charter-party carriers cruising in distinctively painted Checker-type vehicles at Los Angeles International Airport are in fact conducting taxicab transportation service. It is the staff's position that under the provisions of the Public Utilities Code the City and not the Public Utilities Commission should exercise jurisdiction over such operations. The evidence supporting the staff position that the operations of the charter-party carriers at Los Angeles International are in fact taxicab transportation service is overwhelming.

An applicant with 31 years experience in operating taxicabs in the Beverly Hills area indicated that if he had a vehicle painted the blue and white color pattern of his taxicab company, had a meter in it, a light on top that said "Limousine", and operated at a rate substantially identical with the taxicab rate on the meter, the only difference between the taxicab operation and the limousine operation would be the sign on the automobile. He further stated that if he could put a meter in and get authority to cruise in Beverly Hills, and if he could keep the City off his back, he would put out 50 automobiles under his requested TCP permitted authority. Under his taxicab operations, he has to get approval from the City on the rates charged.

Another applicant testified that his vehicles had operated as taxicabs outside of the area of Los Angeles International Airport at one time, and distinguished his taxicab operations from operations at the airport by the type of authority, stating that the taxicab had a limited license from a city rather than going where a limousine may go. Another applicant, in response to a question from the staff, stated that he changed the color of his vehicles to yellow because yellow is associated as a commercial vehicle color and it is easier to get flagged down in a yellow painted vehicle than one of a different color.

We conclude that it is necessary to attach conditions to charter-party permits. The public interest is protected by local regulation of taxicab transportation service at Los Angeles International Airport which is subject to local rules regulating rates and service. Charter-party vehicles are not subject to extensive regulation. Rates charged for charter-party service are not regulated as to the amount charged for transportation. Charter-party operators are not required to provide transportation on request, but are free to decide what transportation they will provide the public and at what price. A member of the traveling public hailing a taxicab at a large airport should not be required to bargain with the vehicle operator over service and rates.

The obvious solution is to restrict the charter-party permits so that airport operations are not authorized, other than prearranged charter passenger pickups and drop-offs. The City's general manager of Public Utilities and Transportation was not opposed to prearranged charter operations. The difficulty is that permit holders have ignored restrictions on existing permits. Permit holders have conducted airport operations in violation of their restricted authority.

We are urged to refuse or revoke the operating authority requested by applicants on the ground that applicants are unfit to be charter-party carriers of passengers for-hire. Applicants have failed to comply with certain requirements of law: odometers and meters used commercially have not been inspected and sealed by the county of Los Angeles Department of Weights and Measures; business license requirements of local governmental entities have been ignored; records of charter trips have not been kept as required by our General Order No. 98-A, Part 13; and airport operations have been conducted in violation of restricted operating authority or without authority.

We cannot, and will not, condone misconduct by permit holders. However, we are reviewing the actions of unsophisticated owner-operators of small for-hire passenger vehicles. Applicants obtained liability insurance and California Highway Patrol safety inspections as required by law. Applicants must comply with the requirement that odometers and meters used commercially be inspected and sealed. Applicants are not exempt from ordinances imposing local business taxes. However, we do not find that applicants' failure to comply with requirements regarding sealing of meters and local business license fees to be wilful. Applicants should be allowed to comply with these requirements.

Applicants have operated under the erroneous belief that they can operate under charter-party authority without regard to local ordinance requirements. That belief is clearly in error when the charter-party service duplicates taxicab transportation service subject to local regulation. Permits will be conditioned to allow only prearranged charter-party pickups and drop-offs at airports unless the airport authority involved authorizes additional operations.

Moreover, all permit holders conducting operations at any airport will be required to present evidence of compliance with General Order No. 98-A, Part 13 to the airport authority upon request.

Findings

1. The city of Los Angeles licenses and regulates taxicab transportation service rendered in vehicles designed for carrying not more than eight persons excluding the driver.

2. Los Angeles International Airport is a major airport in the City and is owned and operated by the City. Taxicab transportation service at this airport is licensed and regulated by the City.

3. Certain applicants herein (as set forth in detail in Findings 10 through 18) have obtained annual permits from this Commission pursuant to Section 5384(b) of the California Public Utilities Code. Such permits authorize operations as a charter-party carrier of passengers.

4. Charter-party operations have been conducted at Los Angeles International Airport as follows:

- (a) Checker Motor Corporation vehicles commonly used as taxicabs have been used.
- (b) The vehicles used are painted a distinctive color (e.g., black, yellow, or mustard color).
- (c) The vehicles used are equipped with illuminated dome lights on the roof bearing the legend "limousine" or a telephone number, or both.
- (d) Some of the vehicles used are equipped with a meter.
- (e) The vehicles enter Los Angeles International Airport and drive slowly past the passenger terminals. When hailed by a traveler, the vehicle stops, picks up the traveler, and transports him to the destination requested for compensation.

5. Charter-party operations as described in Finding 4 have been conducted without obtaining authorization to operate taxicab transportation service from the City.

6. The City does not authorize taxicab operators regulated by the City to seek passengers by driving taxicabs past the passenger terminals because of traffic congestion problems at the airport. Los Angeles International Airport provides for the movement of approximately 24 million passengers per year.

7. The California Business and Professions Code Sections 12,500, et seq., requires that meters and odometers used commercially be inspected and sealed.

8. The Commission's General Order No. 98-A, Part 13 requires, in part, that all charter-party carriers maintain a record of the name and address of each person requesting a charter.

9. The Commission staff has one assistant transportation engineer at its Los Angeles office whose duties include supervision of all charter-party carriers and passenger stage corporations in the southern California area. This area includes the metropolitan areas of Los Angeles and San Diego.

10. A.55863, Dick Recania, dba Imperial Limousine Service, is a request for a new charter-party permit based on the following:

- (a) Applicant has purchased the 1965 Checker sedan listed on his application from John Tabor.
- (b) Applicant has complied with the financial responsibility and safety requirements of this Commission.
- (c) Applicant has operated a taxicab out of the city of Lomita and a charter-party vehicle under the authority held by applicant Tabor (TCP-524).

- (d) Applicant has picked up a passenger at Los Angeles International Airport when hailed by such passenger.
- (e) Applicant did not keep records of all of his trips as a charter-party carrier.

11. A.55885, Dariush Kamyaran, dba Daris Limousine Service, is a request for a new charter-party permit based on the following:

- (a) Applicant owns the 1973 Checker sedan listed on his application.
- (b) Applicant presently operates in the city of Rolling Hills under a road permit he obtained from that city.
- (c) Applicant obtained insurance in order to get the road permit.
- (d) The vehicle is white in color, has a top light with a sign reading "vacant" in the front and "limousine" in the back, and bears "TCP-605" on the side.
- (e) "TCP-605" is the number the staff assigned applicant's file, but a TCP permit has not been issued by the Commission.

12. A.55887, Timothy Munro English, dba Limousine Service of California, is a request for a new charter-party permit based on the following:

- (a) Applicant purchased the 1971 Checker vehicle listed on his application from Yellow Cab of Chicago. On December 4, 1975 the vehicle was registered to applicant Tabor and was operated by applicant English under TCP-524 (Tabor). Applicant English is a lienholder.
- (b) The vehicle is butterscotch in color and has a top light with the sign "limousine" on it.
- (c) Applicant English has driven through the airport and stopped when flagged down by someone. Prior to driving for applicant Tabor, applicant drove for applicant Say.

13. A.55955, Theodore Sheffield Say, dba Limousine Ted, is an application for renewal of permit authority granted under TCP-516.

- (a) Applicant holds a permit to operate as a charter-party carrier of passengers, effective October 15, 1975 dated October 23, 1975 (file no. TCP-516). This permit does not clearly set forth on its face the date of expiration. See Exhibit 14, page 2, (7).
- (b) The authority presently held by applicant under TCP-516 was issued pursuant to A.55955, applicant's request for a permit pursuant to Public Utilities Code Section 5384(b) dated August 26, 1975. Such permit remains in effect one year unless suspended or terminated by the Commission, as provided by the California Public Utilities Code Section 5376.
- (c) The permit dated October 23, 1975 contained the provision that the permit does not authorize operations at any airport unless such operation is authorized by the airport authority involved.
- (d) Applicant's permit lists nine Checker vehicles, his application lists eight Checker vehicles, and he operates seven. They are different colors: one grey, one white, and five yellow. All have top lights and all have meters.
- (e) Applicant hires drivers for his vehicles. His vehicles have generated substantial business by entering Los Angeles International Airport and driving about until hailed by a customer.

14. A.55956, Anton Sevir, dba Anton Sevir Limousine Service, is a request for a new charter-party permit based on the following:

- (a) Applicant owns the Checker vehicle listed on the application.

- (b) Applicant has complied with the financial responsibility and safety requirements of this Commission.
- (c) Applicant has conducted passenger vehicle for-hire operations without permitted authority.

15. A.55957, Dale D. Bratten and Charles Ellis, dba Centinella Valley Local Airport Limousine Service and Charter-A-Ride, is an application for renewal of permit authority granted under TCP-510.

- (a) Applicants received an annual permit to operate as a charter-party carrier of passengers dated October 23, 1975. A second annual permit dated December 2, 1975 granted similar authority to applicants (see Exhibits 8 and 9).
- (b) Applicants own and operate five Checker stationwagons under their charter-party permit. Four are listed in their application. A fifth Checker stationwagon has been substituted for the 1975 Dodge listed on the application.
- (c) The Checker stationwagons are black in color, have dome lights on top, and have signs on the sides reading (in part) "Charter-A-Ride, anywhere, anytime", and "TCP-510". The stationwagons are seven passenger vehicles by virtue of two folding seats in the back.
- (d) Applicants have complied with the financial responsibility and safety requirements of this Commission.
- (e) Applicants' present permitted authority contains the provision that the permit does not authorize operations at any airport unless such operation is authorized by the airport authority involved.

- (f) Applicants have hired drivers for their vehicles. Applicants have generated substantial business by entering Los Angeles International Airport and driving past passenger terminals until hailed by a passenger.
- (g) Applicants have failed to keep records of charter trips which comply with the Commission's General Order No. 98-A, Part 13.

16. A.55958, C. T. Crawford, dba Crawford's Limousine Service, is a request for a renewal of a charter-party permit (TCP-144) based on the following:

- (a) Applicant has no vehicles which he intends to use as a charter-party carrier of passengers.
- (b) Applicant sold a 1973 Checker vehicle, license number Y82261 to James P. Whittaker on June 1, 1975.
- (c) The two Checker vehicles listed on the application are presently operated as taxicabs.

17. A.56010, Santa Monica Cab Company, Inc., dba Checker Red Cab and Marina Checker Cab, is a request for a new charter-party permit as follows:

- (a) Applicant owns the 1975 Checker nine passenger vehicle listed on its application.
- (b) Applicant intends to operate its charter-party service by prearranged charter trips only.
- (c) Applicant is based in Santa Monica and requests a permit pursuant to California Public Utilities Code Section 5384(a).
- (d) Applicant met the insurance requirements of the Commission and the safety requirements of the California Highway Patrol.

- (e) Interim operating authority was issued applicant pursuant to Commission Resolution No. PE-326 dated May 4, 1976 (attached as Appendix B).

18. A.56023, John Tabor, dba Captain John's Limousine, is an application for renewal of permit authority originally issued under TCP-524.

- (a) Applicant John Tabor has been granted a permit to continue operations as a charter-party carrier of passengers pending our determination of his application. The permit (TCP-624) is attached hereto as Appendix C.
- (b) Applicant listed five Checker vehicles on his original application. Two of the listed vehicles have been sold by applicant, the 1963 and 1965 models. Applicant owns and operates the remaining three vehicles. Applicant intends to sell the 1971 model to Mr. English and to sell the 1964 model to Mr. Olson if those individuals obtain charter-party permits from the Commission.
- (c) Applicant leases his vehicles to drivers. The drivers operate under applicant's supervision. Applicant supervises his men at Los Angeles International Airport four to five times a week, and is at the airport an hour or two each time.
- (d) Applicant's vehicles are butterscotch in color and have a white top light which says "Captain John's Limousine" on the back. The vehicles are marked "TCP-524" on the front and rear.
- (e) Applicant does not maintain trip tickets.
- (f) Applicant has complied with the insurance and safety requirements of the Commission.

- (g) Applicant conducts business at the Los Angeles International Airport and other locations. At the airport, his charter-party vehicles will enter the airport and drive about until hailed by a passenger.
- (h) Applicant operates under a state permit and does not know about municipal ordinances, and is not concerned with municipal ordinances.

19. The applicant in A.56010 requests a charter-party permit pursuant to Section 5384(a). All other applicants request charter-party permits pursuant to Section 5384(b).

Conclusions

1. Applicants in A.55955 (Say), A.55957 (Bratten and Ellis), and A.56023 (Tabor) have conducted operations at Los Angeles International Airport by cruising about in distinctively painted Checker vehicles equipped with top lights and answering hails for transportation service from the general public. Such operations constitute taxicab transportation service for compensation at the airport.

2. Taxicab transportation service at the airport is licensed and regulated by the City. Such service is not authorized by the Passenger Charter-party Carriers Act (see Section 5353(g) of the California Public Utilities Code). A charter-party carrier may conduct taxicab service only in areas where the city or county having jurisdiction does not license and regulate such taxicab service.

3. The applicant in A.56010 (Santa Monica Cab Company, Inc.) does not intend to conduct taxicab transportation service and should be issued a permit under Section 5384(a). Such permit should be subject to the conditions set forth in Appendix B.

4. The applicant in A.55958 (C. T. Crawford) has no vehicles requiring charter-party authority and no present need for such authority. The request for a charter-party permit in A.55958 will be denied.

5. The remaining seven applicants will be granted permits subject to the following conditions:

- (a) The permit shall not authorize the holder to conduct any operations on the property of any airport unless authorized by the airport authority involved, excepting delivery and pickup of persons (and attendant baggage) with whom prearranged charter service has been made. The driver of a charter-party vehicle on airport property shall, on request of any agent of the airport authority involved, show such agent the record of the requested charter. Such record shall comply with General Order No. 98-A, 13.01, 1.
- (b) The permit holder shall maintain all records required by General Order No. 98-A, Part 13.
- (c) The permit holder shall comply with local business license requirements.
- (d) Odometers and speedometers in charter-party vehicles shall be sealed as required by the California Business and Professions Code.
- (e) The permit holder shall not paint or so decorate vehicles authorized for use under the charter-party carrier permit issued so as to be suggestive of those vehicles authorized as taxicabs by local ordinances.
- (f) Top lights of any configuration or color which are used to indicate whether or not said vehicle is for hire shall not be permitted.
- (g) The use of a taximeter or similar meter for the purpose of displaying to the passenger or passengers the elapsed time and/or fare owed shall not be permitted.

6. Applicants must file written acceptance of the conditions attached to any permit or such permit shall be canceled, revoked, or suspended.

O R D E R

IT IS ORDERED that:

1. The request of C. T. Crawford, dba Crawford's Limousine Service (Application No. 55958), for a charter-party permit is denied.
2. The request of Santa Monica Cab Company, Inc., dba Checker Red Cab and Marina Checker Cab (Application No. 56010), for a charter-party permit pursuant to Section 5384(a) is granted subject to the conditions set forth in Appendix B attached.
3. The requests of Dick Recania, dba Imperial Limousine Service (Application No. 55863), Dariush Kamyaran, dba Daris Limousine Service (Application No. 55885), Timothy Munro English, dba Limousine Service of California (Application No. 55887), Theodore Sheffield Say, dba Limousine Ted (Application No. 55955), Anton Sevir, dba Anton Sevir Limousine Service (Application No. 55956), Dale D. Bratten and Charles Ellis, dba Centinella Valley Local Airport Limousine Service and Charter-A-Ride (Application No. 55957), and John Tabor, dba Captain John's Limousine (Application No. 56023), for charter-party permits pursuant to Section 5384(b) of the California Public Utilities Code are granted subject to the written acceptance of the conditions (a) through (g) set forth in our conclusions herein.
4. In providing service pursuant to the permits herein granted, applicants shall comply with and observe the following service regulations. Failure so to do will result in cancellation of the operating authority granted by this decision.

Applicants will be required, among other things,
to comply with and observe the safety rules

administered by the California Highway Patrol,
the rules and regulations of the Commission's
General Order No. 98-A, and the insurance
requirements of the Commission's General Order
No. 115-A.

The effective date of this order shall be twenty days after
the date hereof.

Dated at San Francisco, California, this 23rd
day of NOVEMBER, 1976.

I dissent:

[Signature] Commissioner

I dissent

Vernon L. Sturgeon

[Signature] President

[Signature]

[Signature] Commissioners

APPENDIX A

LIST OF APPEARANCES

Applicants: Newton, Re & Russell, by Alan H. Russell and Donald M. Re, Attorneys at Law, for Dale Bratten and Charles Ellis; Gary G. Pond, Attorney at Law, for Dick Recania, Timothy English, and Theodore Say; Jack W. Tucker, Attorney at Law, for Santa Monica Cab Co., Inc.; Thomas J. L. Virant, Attorney at Law, for John Tabor; Anton Sevir, for Anton Sevir Limousine Service; Dariush Kamyaran, for Daris Limousine Service; and Crill T. Crawford, for Crawford's Limousine Service.

Protestants: Manatt, Phelps & Rothenberg, by Philip J. Toelkes, Attorney at Law, for Airport Taxicab Security; James H. Lyons, Attorney at Law, for Airport Service, Inc.; Ed Wilson, for Airport Taxicab Security; and Ritchie Gaylen, for Valley Checker Cab Co.

Interested Parties: Burt Pines, City Attorney, by David A. Ogden and Leonard L. Snaider, Deputy City Attorneys, for city of Los Angeles; Keith W. Douglas, Attorney at Law, for city of Los Angeles Department of Airports; and George Cuttrell and Robert Russell, for Department of Public Utilities & Transportation of Los Angeles.

Commission Staff: John deBrauwere and Thomas P. Hunt.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. PE-326
Transportation Division
Sheet 1 of 2

(RESOLUTION ORDERING INTERIM PERMIT AUTHORITY)
(TO OPERATE AS A CHARTER-PARTY CARRIER)
(OF PASSENGERS)
(A. 56010, SANTA MONICA CAB COMPANY)

Santa Monica Cab Company, Inc., dba Checker Red Cab and Marina Checker Cab, applied for a new permit to operate as a Charter-party Carrier of Passengers pursuant to Section 5384 (a) of the Public Utilities Code. Because of a protest received from the City of Los Angeles, the matter was filed as a formal application and is currently identified as Application 56010. Public hearings were held December 3, 4 and 5, 1975 and March 15, 16 17 and 23, 1976.

By memo dated March 17, 1976, the hearing examiner (Charles E. Mattson) recommended that consideration for interim operating authority be extended to the applicant. He noted from the transcript of the December 3, 1975 hearing (pp. 107-110) that counsel for the protestants has stated that they did not oppose the applicant's request in Application 56010. The Transportation Division concurs with the recommendation. It is noted that the applicant has satisfied insurance requirements of the Commission and safety requirements of the California Highway Patrol.

IT IS, THEREFORE, ORDERED that interim permit authority be issued to Santa Monica Cab Company, Inc., dba Checker Red Cab and Marina Checker Cab, the expiration date for which is subject to the outcome of the formal proceeding (A. 56010) and subject to the following conditions:

- (1) Operations shall be limited to pre-arranged contracts as defined in Section 5384 (a) of the Public Utilities Code.
- (2) The permit shall not authorize the holder to conduct any operations on the property of any airport unless authorized by the airport authority involved, excepting delivery and pickup of persons (and attendant baggage) with whom the prearranged contracts imposed by condition (1) have been made.
- (3) This permit shall grant interim authority not to exceed one year, but such authority may be suspended, terminated or modified at any time if so ordered by the Commission.
- (4) Operations are authorized only for vehicles listed on each permit, and vehicles substituted or added pursuant to Commission authorization.

- (5) Operations under the permit are not authorized in the San Francisco Bay Area.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on the 4th day of March, 1976, the following Commissioners voting favorably thereon:

D. W. HOLMES, President

VERNON L. STURGEON

LEONARD ROSS. ROBERT BATINOVICH, Commissioners

William R. Johnson
Executive Director

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIAPERMIT TO OPERATE AS A
CHARTER-PARTY CARRIER OF PASSENGERSFile No. TCP-624John Tabor dba IMPERIAL LIMOUSINE SERVICE c/o Thomas J. Virant, Esq.
Name of Carrier

<u>6726</u>	<u>N. Figueroa Street</u>	<u>Los Angeles</u>	<u>Los Angeles</u>	<u>90042</u>
Number	Street	City	County	Zip Code

Address of home terminal	<u>4020</u>	<u>El Segundo Blvd.</u>	<u>Hawthorne</u>	<u>Los Angeles</u>	<u>90042</u>
	Number	Street	City	County	Zip Code

The above-named Carrier, having made written application to the Public Utilities Commission of the State of California for a permit to operate as a CHARTER-PARTY CARRIER OF PASSENGERS, pursuant to Sections 5351-5419 of the Public Utilities Code, is granted this permit authorizing the transportation of passengers by motor vehicle over the public highways of the State of California as a CHARTER-PARTY CARRIER OF PASSENGERS, as defined in said Code, subject to the following conditions:

(1) No vehicle or vehicles shall be operated by said Carrier unless adequately covered by a public liability and property damage insurance policy or corporate surety bond as required by Section 5391.

(2) Said Carrier shall comply with all Commission orders, decisions, rules, directions and requirements governing the operations of said Carrier.

(3) All vehicles operated under this permitted authority shall comply with the requirements of the Motor Carrier Safety Section of the California Highway Patrol. No vehicle shall be operated by said carrier unless it is named in the carrier's most recent application for authority on file with this Commission. Written amendments to the application vehicle listing may be filed at any time prior to expiration of this authority and said vehicles may be operated at any time following 20 days after the date of said filing, unless otherwise advised

by the Commission. Vehicles Authorized:

1970	Checker	7-Passenger	Owned	56484X
1964	Checker	7-Passenger	Owned	1A25119
* 1965	Checker	7-Passenger	Owned	1A25118

TCP-624

(4) This permit is subject to amendment or modification by the Commission and is subject to suspension or revocation as provided in the Code.

(5) This permit may not be sold, assigned, leased, or otherwise transferred or encumbered.

(6) Special conditions: within a radius of 50 miles from _____

(Special conditions do not apply on vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight.)

(7) This permit shall be effective November 12, 1976 ** and expires pending outcome of the proceeding in A. 56023 but in no event later than November 12, 1976.

Dated at San Francisco, California, this 24th day of March, 1976.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

By William R. Gorman
Executive Director

[SEAL]

* This permit supersedes and more specifically defines that authority dated January 2, 1976.

THIS PERMIT DOES NOT AUTHORIZE
THE HOLDER TO CONDUCT ANY OPERATIONS
ON THE PROPERTY OF OR INTO ANY AIR-
PORT UNLESS ANY SUCH OPERATION IS
AUTHORIZED BY THE AIRPORT AUTHORITY
INVOLVED

** Allowance has been made for uninterrupted operations of this applicant, John Tabor, inasmuch as he seeks to continue a business previously authorized as a partnership (John J. Tabor and John J. McManus dba Captain John's Limousine, TCP-524, expired November 12, 1975) and currently identified as a sole proprietorship.