

ORIGINAL

Decision No. 87058

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Mahmoud H. El-Kurd)
(Golden Eagle Limousine Service)
for renewal of charter-party
permit, Belmont. (TCP-391)

Application No. 56349
(Filed March 23, 1976)

Morley H. Shapiro, Attorney at Law, for
applicant.

James B. Brasil, Attorney at Law, for City
and County of San Francisco, protestant.

Thomas P. Hunt and Barbara Weiss, for the
Commission staff.

O P I N I O N

This is an application by Mahmoud H. El-Kurd (applicant) for renewal of his passenger charter-party carrier permit. The application is opposed by the city and county of San Francisco (City). This matter was heard May 20, June 30, July 1, 2, and 26, 1976 before Examiner Thompson at San Francisco and was submitted.

Applicant owns and operates a nine-passenger Cadillac automobile and a six-passenger Lincoln automobile. His operations consist of performing transportation service to and from the San Francisco International Airport (Airport) and conducting private tours for visitors to the San Francisco Bay region.

The Passenger Charter-party Carriers' Act (Division 2, Chapter 8 of the Public Utilities Code) provides for the annual renewal of permits and certificates authorizing passenger charter-party carrier operations. Section 5374 of the Public Utilities Code provides that before an annual permit or certificate is issued, the Commission shall require the applicant to establish reasonable

fitness and financial responsibility to conduct the proposed transportation services. Protestant contends that applicant is unfit to perform transportation services at the Airport.

Applicant presented witnesses that testified to his general reputation of good character. He presented evidence corroborating the statement in his application concerning his financial condition. Protestant presented evidence relating to certain acts by applicant at the Airport which it contends demonstrates a lack of reasonable fitness of applicant to conduct passenger charter-party carrier operations. An evaluation of that evidence requires consideration of the background of those events.

Airport is owned by City, and its operations are administered by its Airports Commission. City has and does regulate the sale, peddling, or offering for sale of goods, merchandise, property, and services at the Airport. It has granted exclusive rights to solicit and pick up passengers at the Airport to two limousine operators and to one taxicab company.^{1/} For many years, and until

^{1/} City's Rules and Regulations adopted October 17, 1972 distinguish between a limousine and a taxicab:

Rule 1.2.13: "Limousine" means a commercial for-hire vehicle providing transportation service in vehicles designed for carrying more than eight persons, excluding the driver, and requiring California State Public Utilities Stagecoach Certification or Charter-Party Permit.

Rule 1.2.24: "Taxicab" means a commercial for-hire vehicle providing transportation service in vehicles designed for carrying not more than eight persons, excluding the driver.

The Passenger Charter-party Carriers' Act makes no such distinction. In Decision No. 86670, infra, the Commission held that cruising for solicitation or answering hails for transportation service is a characteristic of a taxicab service.

comparatively recently, it effectively prevented the picking up of passengers at the airport terminal buildings by anyone other than one of the franchised carriers. After the enactment of the Passenger Charter-party Carriers' Act in 1961, but more particularly after that Act was substantially amended in 1967, a number of motor carrier operators obtained charter-party carrier permits from the Commission and engaged in transporting passengers to and from the Airport. City attempted to prevent those carriers from engaging in such operations at the Airport; but the court in San Mateo County held, in effect, that one operating pursuant to a permit issued by the Public Utilities Commission could not be prevented by City from picking up and discharging passengers at the Airport.

In 1972 the Legislature enacted Section 602.4 of the Penal Code (Stats. 1972, c. 784, p. 1397) which provides:

"Every person who enters or remains on airport property owned by a city, county, or city and county but located in another county, and sells, peddles, or offers for sale any goods, merchandise, property, or services of any kind whatsoever, to members of the public, including transportation services, other than charter limousines licensed by the Public Utilities Commission, on or from the airport property, without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.

"Nothing in this section affects the power of a county, city, or city and county to regulate the sale, peddling or offering for sale of goods, merchandise, property or services."

In 1972 City adopted and published regulations governing the sale or offering for sale of goods, merchandise, property, and services at the Airport prohibiting such activities on the Airport property without the express written agreement or consent of the Airports Commission or its duly authorized representative. In 1973 City filed an action (No. 178384) in the Superior Court in San Mateo

County against 16 named defendants (including applicant) and 10 Doe defendants requesting that they be enjoined from soliciting and accepting passengers for transportation for hire within the confines of the Airport, except pursuant to prior appointment or contract with such passenger. On September 7, 1973 the Court issued its order requiring defendants to appear on September 18, 1973 and show cause why the injunction should not be issued, and temporarily restraining defendants from soliciting passengers for hire within the confines of the Airport pending the hearing for injunction on September 18, 1973. There is on file with the County Clerk a declaration of personal service of that order upon applicant on September 8, 1973. On October 29, 1973 the Court issued two orders in No. 178384, one being a preliminary injunction directed to 7 defendants and the other being a preliminary injunction directed to 17 defendants (including applicant). Applicant testified that he had never been served with that injunction. No declaration of service of that order upon applicant was filed with the County Clerk, and City is unable to prove service upon applicant.

On April 6, 1976 applicant was served with an Order to Show Cause and Temporary Restraining Order of the Superior Court in San Mateo County in City and County of San Francisco v Mahmoud El-Kurd, et al., No. 201097. The text of the Temporary Restraining Order

appears in the margin.^{2/} Proceedings on the Order to Show Cause have not been completed. At the direction of the Court, plaintiff and defendants are attempting to prepare for the Court's consideration an order under which regulations and procedures would be specified

2/

TEMPORARY RESTRAINING ORDER

You are hereby further ordered to refrain from soliciting passengers for hire within the confines of San Francisco International Airport or from picking up passengers for hire at said Airport pending the hearing for injunction on April 15, 1976, unless it is by appointment with any such passenger and the pick-up is pursuant to the following Airport procedures:

1. Defendants must be issued Airport-pass forms by the Airport Operating Authorities upon request.
2. Within a reasonable time prior to making a prearranged passenger pickup, defendant or his driver shall deliver a pass form to an Airport policeman for his signature. The pass form must be signed in the Airport policeman's presence and shall contain the following information:
The defendant's name and California PUC number, the name of the driver, the name of the passenger or passengers to be picked up, the air carrier, flight number, and estimated time of arrival, and the passenger pickup location.
3. After pickup of the passenger or passengers, defendant or his driver shall return the Airport-pass form to any Airport policeman. The Airport policeman can, at his discretion, check the identity of the passenger or passengers to verify that the trip was prearranged. Defendant or his driver shall show his Airport-pass form to any Airport policeman requesting to see it.

Dated April 5, 1976.

/s/ Robert E. Carey

Judge of the Superior Court

under which defendants could pick-up and deliver passengers at the Airport without undue interference by the airport police and under which defendants would be enjoined from conducting operations other than under the specified regulations and procedures.

Applicant is one of many persons who, over the past several years, have engaged in the transportation of passengers for compensation in motor vehicles with seating capacity of between four to eight persons, not including the driver, to and from the Airport, and who have not been authorized by City to use the facilities of the Airport in the conduct of such operation. Most of those operations are not subject to the Passenger Charter-party Carriers' Act by reason that the operation is conducted in motor vehicles with a seating capacity of not more than five persons, excluding the driver (Public Utilities Code Sections 5359 and 5360). Those that perform operations with passenger automobiles with a seating capacity of more than five persons, excluding the driver, unless otherwise exempted by Section 5353 of the Public Utilities Code, are passenger charter-party carriers within the meaning of Section 5360 and are required to obtain a certificate or permit authorizing such operations. Applicant is one in this group who has a permit. The operations we are discussing are the same whether conducted in an automobile with a seating capacity of five passengers or of eight passengers excluding the driver. It is a transportation service with the usual occupancy being one or two persons and where the charge is related to the distance traveled and is not on an individual fare basis.

At this point we note that the operations of passenger transportation at the Airport by persons asserting to have that authority by reason of operating under permits issued by this Commission has caused City some problems. First, there is the problem of space to accommodate ground transportation for Airport passengers; secondly, there is the problem of protecting the franchised carriers who pay fees to the City; and thirdly, there is the problem of protecting the Airport passengers from possible

unwanted solicitation. City has attempted to ameliorate its problems by obtaining injunctions prohibiting some operators from soliciting passengers at the Airport and by protesting the granting of charter-party carrier permits by the Commission to persons known to be providing service at the Airport in violation of airport regulations.^{2/} It has also filed complaints for misdemeanors against operators for soliciting passengers at the Airport. With respect to operators that do not hold passenger charter-party carrier permits, deputies stationed at an office of the Sheriff of San Mateo County located at the Airport arrest any operator who does not have a passenger charter-party carrier permit.

The matter of persons conducting passenger transportation to and from airports was discussed extensively by the Commission in its Decision No. 86670 dated November 23, 1976 in Applications of Dick Recania, dba Imperial Limousine Service, et al. (Application No. 55863, etc.). We held therein that one who holds out a passenger transportation service to the public at large on airport premises at the call of the passenger is engaged in providing taxicab transportation service for compensation at the airport; that where taxicab transportation service at the airport is licensed and regulated by a city, such service when performed in motor vehicles designed for carrying not more than eight persons, excluding the driver, is not authorized by the Passenger Charter-party Carriers' Act (see Section 5353(g) of the Public Utilities Code); and that a charter-party carrier may conduct taxicab service only in areas where

^{3/} City has appeared as protestant in the following applications involving the issuance or renewal of passenger charter-party carrier permits: A.55325 (Sharabi), A.55326 (Hoffman), A.55363 (Hollingsworth), A.55429 (Mizrahi), A.55824 (Walker), A.55886 (Kessler), A.55987 (Darwazeh), A.55988 (Lazarus), A.55989 (Sullivan), A.56065 (Woodall), and A.56349 (El-Kurd).

the city or county having jurisdiction does not license and regulate such taxicab transportation service.^{4/} It was also held therein that passenger charter-party carriers may pick up and discharge passengers at Los Angeles International Airport under a prearranged charter subject to police and business license regulations that may be imposed by the airport authorities. It is to be noted that such

4/ In Decision No. 86670 the Commission granted permits to seven applicants who had been providing passenger transportation service at Los Angeles International Airport 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.

holding conforms with the conclusions of the Superior Court in San Mateo County mentioned hereinabove.

With that background we proceed to the issues in this case. Section 5384 of the Public Utilities Code provides that the Commission shall issue permits to persons, who are otherwise qualified, whose passenger carrier operations are conducted using only vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight. As previously indicated, before an annual permit is issued the Commission shall require the applicant to establish reasonable fitness and financial responsibility (Public Utilities Code Section 5374). The Commission may either grant or deny an application for a new permit whenever it appears, after hearing, that as a prior permit holder the applicant engaged in any of the unlawful activities set forth in Section 5378^{5/} for which his permit might have been canceled or revoked (Public Utilities Code Section 5379).

5/ Public Utilities Code Section 5378:

"The commission may cancel, revoke, or suspend any operating permit or certificate issued pursuant to the provisions of this chapter upon any of the following grounds:

- (a) The violation of any of the provisions of this chapter, or of any operating permit or certificate issued thereunder.
- (b) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the Commission pursuant to this chapter.
- (c) The conviction of the charter-party carrier of passengers of any misdemeanor under this chapter.
- (d) The rendition of a judgment against the charter-party carrier of passengers for any penalty imposed under this chapter.
- (e) The failure of a charter-party carrier of passengers to pay any fee imposed upon the carrier within the time required by law.
- (f) On request of the holder of the permit.
- (g) Failure of a permit or certificate holder to operate and perform reasonable service."

In summary, the Commission is governed in this application by the powers and limitations thereon conferred by the Legislature in the Passenger Charter-party Carriers' Act. That Act requires the Commission to issue a permit after applicant has shown reasonable fitness and financial responsibility. The Commission may grant or deny a prior permit holder a new permit for any of the causes specified in Section 5378. The Act does not permit us to use one set of rules for carriers providing service to the Airport and another set of rules for carriers who do not serve the Airport.

We now turn to the evidence offered by City relating to specific actions by applicant which it deems demonstrates unfitness.

An airport police sergeant testified that at some unspecified time between January 1973 and December 1975 he encountered applicant and a man going to applicant's car in the Airport garage, and he asked the man the purpose of his being there. The man replied that he wanted transportation to San Bruno and that applicant was providing that service for \$4. That was all that he recalled of the event other than that he had formed the opinion that applicant had solicited the fare. No arrest was made nor was applicant charged with a violation of the Airport regulations. He testified that on December 3, 1975 he observed two men carrying golf clubs and baggage into the Airport garage and talking to applicant. When applicant left them he approached the men and asked if they had any problems. He said that he was informed that they were waiting for a taxi to take them to the Hyatt Regency. Applicant then drove up in his limousine, the sergeant asked the men if applicant was the one providing them with taxi transportation, and he was informed that he was. He informed the men that applicant does not have a taxi and escorted the men upstairs to the taxicab station. No arrest was made nor was applicant charged with a violation of Airport regulations.

The sergeant testified that he has seen applicant, his brother, and one Samir Mshasha driving applicant's limousine on numerous occasions and has often seen applicant at the Airport standing around talking to the public.

While the events described might support a suspicion that applicant solicited fares at the Airport contrary to regulations prescribed by the City, it certainly cannot support a finding that applicant solicited any fares at the Airport in violation of City regulations or in violation of any order of the Court.

The other series of events relied upon by City culminated in applicant's being arrested on October 2, 1975 by a sergeant of the San Mateo County Sheriff's Office at the Airport and being booked and charged with forgery. The charge was dismissed in court upon the recommendation of the district attorney after applicant signed a disclaimer of damages by reason of his arrest. There is contradictory and conflicting testimony regarding the events that led to applicant's arrest. Giving due consideration to the interests of the several witnesses, including applicant, and to their responses to the questions put to them on direct and cross-examination indicating the degree of credibility of their testimony, we are of the opinion that the circumstances preceding applicant's arrest were as follows:

At some considerable time prior to October 2, 1975 applicant sold a car to Issa Hararah who used that vehicle to conduct taxicab operations at the Airport. Hararah was arrested by the San Mateo County Sheriff's Office for unlawful operations. He was and is of the opinion that applicant owes him money in connection with the car transaction and applicant denies it. Hararah had conversations with officers in the Sheriff's office. He said that he was informed by that office that in order to conduct taxicab operations he would

have to get a Public Utilities Commission permit or operate under some other carrier's permit. Hararah asked applicant to cover him under his permit. Applicant agreed. We are uncertain what arrangements were actually agreed upon; however, Hararah and applicant entered into a written agreement calling for applicant to lease a 1971 Mercedes-Benz limousine from Hararah for \$100 per month and for Hararah to drive the vehicle. The evidence indicates that Hararah was to pay the expenses of the vehicle and to pocket all of the fares in its operation. Hararah informed a detective with the Sheriff's Office that applicant was shaking him down for \$250 per month in order to operate a cab service so that he would not be arrested. Thereafter, applicant and Hararah went to applicant's insurance broker. Hararah paid applicant a sum of money. Applicant instructed the insurance broker to add Hararah's vehicle to his policy and paid the additional premium. The broker gave applicant a binder for the added coverage. Applicant asked the broker to add the vehicle to his Public Utilities Commission permit. The broker typed the name and description of the automobile onto the copy of the permit applicant had given him. Applicant told Hararah that he "was now legal". Hararah told applicant he desired confirmation from the Sheriff and thereupon both of them went into the San Mateo County Sheriff Substation at the Airport. Applicant showed the permit to the sergeant who telephoned to a representative of the Commission and was informed that the additional vehicle (Hararah's) was not listed upon applicant's permit record. The sergeant immediately arrested applicant and had him placed in a holding cell. He did not arrest Hararah. Prior to the time that applicant and Hararah went into the Sheriff Substation the sergeant was aware that Hararah had supplied a detective in the Sheriff's Office with a statement written in Arabic together with a tape recorded translation regarding his negotiations with applicant.

As they pertain to applicant's fitness to conduct passenger charter-party carrier operations, the above-described circumstances can be construed in a number of different ways. The construction most favorable to City's position would depict applicant as "a bad guy" who intended to victimize Hararah and who was willing to utter or abet a forgery to that end. The one most favorable to applicant is that he was willing to assist Hararah, who he thought was a friend but who actually was working with the Sheriff's Office to entrap him, and that the applicant was scrupulous in attempting to utilize legal means to provide Hararah with gainful employment. The first construction just does not hold water. We cannot believe that a person being so victimized would continue to enjoy the hospitality of the perpetrator which the evidence shows was the case. With respect to any intention of applicant to utter or abet a forgery, from the evidence presented in this proceeding, we believe the District Attorney was very astute in recommending dismissal of the charges in exchange for a disclaimer by applicant. We are not convinced that the second construction is the correct one although the evidence is more supportive of it than of the former.

Regardless of what one may surmise from those events, it has been shown, and applicant admitted, that it was applicant's intention that Hararah conduct operations under the guise of operating under his charter-party permit. Although the parties entered into a written agreement under which applicant would have custody of Hararah's automobile, and the liability for bodily injury or property damage from the operation of that vehicle would be covered under applicant's insurance policy, both parties intended that Hararah would drive the vehicle, obtain patronage for that vehicle, pay the operating expenses of the vehicle, and pocket the fares from service performed by that vehicle. Had any of the contemplated operations taken place, which they did not, and had Hararah's

automobile had a seating capacity of more than five persons excluding the driver, which it did not, applicant's actions would have constituted aiding and abetting Hararah to conduct passenger charter-party carrier operations without first having obtained a permit. Those actions are in violation of Section 5411 of the Public Utilities Code and could have resulted in applicant's being charged and convicted of a misdemeanor punishable by a fine of not more than \$500 or by imprisonment for not more than three months, or both. The nature of that agreement is such, that had it been exercised applicant would have been in violation of Section 12.01 of the Commission's General Order No. 98-A. The intended operations under that agreement did not take place and therefore the violations did not actually occur.

Although the violations did not occur, the above-described actions on the part of applicant indicate a willingness to disregard the law and Commission regulations. Applicant asserts that he believed that what he was doing was lawful. There is support for that assertion. There is substantial evidence that there is a general belief by taxicab operators at the Airport, by police at the Airport, and by the officers in the Sheriff's Department that where a person has his vehicle, regardless of carrying capacity, listed under the permit of some charter-party carrier, that taxicab operations performed by that person are lawful under the Passenger Charter-party Carriers' Act. Such belief is misplaced; however, the evidence shows considerable justification for applicant believing it to be so.

With respect to applicant's having caused Hararah's automobile to be added to the list of equipment shown on his permit, applicant testified that he had inquired how an additional vehicle could be added and was informed that he should enter into a written lease, have it included in his insurance policy, notify the Commission, and that

is all it takes. He entered into the lease, he had it added to his policy, and he relied upon his insurance broker who said the Commission would be notified without delay. The insurance broker testified in corroboration of the latter and there is other evidence supporting applicant's assertion. We note that the adding of equipment to a permit is a ministerial action by the Commission and that upon receipt of notice of the description of the equipment to be added, the clearance of the vehicle by the California Highway Patrol, and of evidence of it being covered by insurance in accordance with the requirements of General Order No. 115, the amendment to the permit is made as a matter of course.

The record shows that applicant has never been convicted of any violations of any court orders, of any airport regulations, or of any provisions of the Passenger Charter-party Carriers' Act; nor would the evidence presented herein support any such conviction. There is no evidence or contention that applicant operates, or has caused to be operated, any vehicle in a reckless manner which would inconvenience or endanger his passengers or other persons or property;^{6/} on the contrary, the evidence shows that he provides reasonable service with due regard for the safety of his passengers and others. The evidence will not support a finding that applicant has a propensity to disregard the law or any other finding from which we could conclude that he does not possess reasonable fitness to conduct passenger charter-party carrier operations. At best it only affords a basis for suspicion that applicant may have operated a transportation service at the Airport in a manner contrary to

^{6/} See Application of Hollingsworth, unreported, Decision No. 85974 dated June 22, 1976 in Application No. 55363.

regulations which have been prescribed by the City. We note here again that the Superior Court in and for the County of San Mateo is currently considering reasonable rules for the implementation of those regulations.

Applicant and others holding charter-party permits who conduct passenger transportation operations at the Airport are thorns in the side of the City. We recognize City's problems, but we cannot remove the thorns without just cause under our governing statute. The conclusions herein and in Imperial Limousine Service, et al. (Decision No. 86670), supra, that a charter-party carrier permit does 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, and that such permit holders are subject to all reasonable local police regulations and business license requirements, will alleviate many of the existing problems and misunderstandings. In order to avoid any such misunderstandings in the future, it shall be our policy to set forth the responsibilities and authority of the permit holder, and the limitations thereon, as conditions and service requirements of the permit.

We find that:

1. Applicant has been issued Permit No. TCP-391 to operate as a charter-party carrier of passengers and by this application requests renewal of that permit authorizing him to conduct those operations with the following equipment:

1971 Cadillac, License No. Y95429
1970 Lincoln, License No. 82441Y

2. The 1971 Cadillac has a passenger seating capacity of eight persons, excluding the driver. The 1970 Lincoln has a passenger seating capacity of five persons, excluding the driver.

3. Applicant has established reasonable fitness and financial responsibility to conduct the proposed transportation services.

4. It has not been shown that applicant has engaged in any of the unlawful activities set forth in Section 5378 of the Public Utilities Code for which his permit might have been canceled or revoked.

5. Applicant's operations include transportation of passengers and their attendant baggage to and from San Francisco International Airport.

We conclude that:

1. Taxicab transportation service, as that term is used in Section 5353(g) of the Public Utilities Code, includes the operation of a motor vehicle not following any fixed schedule or route held out for hire on a time or distance basis at the beck or hail of a passenger.

2. Where a city or county has undertaken by ordinance or resolution to license and regulate taxicab transportation service within its jurisdiction, taxicab transportation service when rendered in vehicles designed for carrying not more than eight persons, excluding the driver, is not subject to regulation by the Commission under the provisions of the Passenger Charter-party Carriers' Act.

3. Where a city or county has undertaken by ordinance or resolution to license and regulate taxicab transportation service at an airport under its jurisdiction, a permit issued by the Commission under the Passenger Charter-party Carriers' Act does not authorize the holder to conduct any operations with vehicles designed for carrying not more than eight persons, excluding the driver, on the property of the airport excepting the delivery and pickup of persons, and attendant baggage, with whom prearranged charter service has been made; and any such operations conducted

under the permit are subject to reasonable local police and business license requirements.

4. The 1970 Lincoln automobile listed in the application is not a motor vehicle as defined in Section 5359 of the Public Utilities Code so that the transportation of persons for hire in that vehicle does not constitute passenger charter-party carrier operations for which a permit may be issued by the Commission under the Passenger Charter-party Carriers' Act.

5. The Executive Director should be directed to renew Permit No. TCP-391 and to reissue it to applicant authorizing his operation of the 1971 Cadillac, License No. Y95429, subject to the additional conditions and limitations (a) through (d) listed in Footnote 4 herein.

6. In all other respects the application should be denied.

7. The Executive Director should be directed to serve by mail a copy of General Order No. 98-A upon applicant, and applicant is notified that any violation by him of any provision of Part 12 or Part 13 thereof may constitute grounds for revocation or nonrenewal of his permit.

O R D E R

IT IS ORDERED that:

1. The Executive Director shall cause to be renewed and reissued to applicant Permit No. TCP-391 authorizing applicant to conduct operations as a charter-party carrier of passengers in the 1971 Cadillac, License No. Y95429, subject to the following additional conditions and limitations:

- (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.

2. In all other respects Application No. 56349 is denied.
3. The Executive Director shall cause a copy of General Order No. 98-A to be served by mail upon applicant.

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

Dated at San Francisco, California, this 9th
day of MARCH, 1977.

Robert B. Baker
President

Thomas L. Sturgeon

Leonard R. ...

Michael D. ...
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.