

ORIGINAL

Decision No. 88357 JAN 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ASIAN AMERICAN CHARTER SERVICE, INC., for a Class "B" charter-party carrier of passengers, San Francisco, (TCP 513) } Application No. 57291 (Filed May 10, 1977)

Loughran & Hegarty, by Thomas M. Loughran, Attorney at Law, for Asian-American Charter Service, Inc., applicant } W. L. McCracken, Attorney at Law, for Greyhound Lines, Inc. and The Gray Line, Inc., protestants } Barbara Weiss, for the Commission staff.

O-P-I-N-I-O-N

By this application Asian American Charter Service, Inc. seeks a Class "B" charter-party carrier of passengers certificate. On October 5, 1977, applicant amended the application restricting service to vehicles having a seating capacity of 20 or fewer passengers.

Public hearing was held before Administrative Law Judge Tomita at San Francisco on October 11, 1977, and the matter was submitted.

Applicant has been operating under our permit TCP 513 which restricts operator to using vehicles under 15-passenger seating capacity. Applicant's terminal is located at 1477 17th Avenue, San Francisco, California. Under its permit, applicant has been providing charter-party service since 1974 between San Francisco Bay Area airports and downtown areas as well as for

tours of the area for technical visitors. Applicant alleges that 90 percent of its business is with foreign visitors from Latin America and Japan.

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Applicant currently owns two 14-passenger seating capacity Dodge vans in its operations. If applicant is granted a certificate, it proposes to trade in one of its 14-passenger vans for a 17-passenger seat vehicle. Applicant alleges that the larger capacity vehicle will enable it to provide better service at less cost to its clients who are required to charter a full-size bus or two mini-buses if the group is slightly larger than could be accommodated by his 14-passenger van.

Two tour operators, Bramer Tours and Jet Tours U.S.A., testified on behalf of applicant. Both witnesses testified that they used Asian American Charter Service, Inc. when they have 13 or less passengers and would use applicant's service more if applicant was authorized to operate a vehicle carrying 15-20 passengers. The witnesses further stated that they were unaware of any other charter-party carrier in this area that has been authorized to use 15-20-passenger vehicles except for one possible operator whose equipment was not considered up to their standards.

Applicant entered into a stipulation with Greyhound Lines, Inc. and The Gray Line, Inc., that applicant would further restrict its request to service vehicles having a seating capacity of 17 or fewer passengers and would limit its operations under the certificate to service to the seven counties of San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, and Santa Cruz. Greyhound Lines, Inc. and The Gray Line, Inc. withdrew their protest.

Applicant has had three years experience in this operation and its financial statement as of April 25, 1977 showing a net worth of \$20,816 indicates that applicant has the necessary financial resources to carry on the proposed operations.

1/ The Commission's records disclose that the operator mentioned is authorized to operate 14-passenger vehicles, but the authority does not include vehicles of 15-20-passenger capacity.

The Commission finds that:

1. Public convenience and necessity require that the proposed service be authorized.
2. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed service.
3. It is reasonable to restrict the proposed service to:
 - a. Vehicles having a seating capacity of 17 or fewer passengers.
 - b. An area encompassing the counties of San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, and Santa Cruz.
4. No charter-party carrier of passengers appears to be providing service with vehicles having 15-17-passenger seating capacity in the San Francisco area.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that the proposed authority should be issued as provided in the following order.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, shall be granted to Asian American Charter Service, Inc., authorizing it to operate as a Class "B" charter-party carrier of passengers in accordance with Sections 5351-5419 of the Public Utilities Code, subject to the restrictions set forth in Finding 3, above.

2. In providing service pursuant to the certificate herein authorized, applicant shall comply with and observe the following regulations. Failure so to do may result in a cancellation of the operating authority.

Applicant will be required, among other things, to comply with and observe the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A, and the insurance requirements of the Commission's General Order No. 115-B.

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

Dated at San Francisco, California, this 17th day of JANUARY, 1978.

Abstain
Clare T. Detrick

President
William S. Quous Jr.
Lionel J. Ferguson
Robert P. Roark

Commissioners

Commissioner Robert Batnovich, being necessarily absent, did not participate in the disposition of this proceeding.