

Decision No. 88951 JUN 13 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of INTERNATIONAL TRAVELER'S  
LIMOUSINE & TOUR CO., INC., for a Class  
"B" certificate to operate as a charter-  
party carrier of passengers. Daly City.  
(TCP-52-B)

Application No. 57726  
(Filed December 5, 1977)

Eldon M. Johnson, Attorney at Law, for applicant.  
Elmer Sjostrom, Attorney at Law, for the Commission  
staff.

### O P I N I O N

International Traveler's Limousine & Tour Co., Inc. seeks a Class B charter-party carrier of passengers certificate authorizing operations from all points and places within a radius of 40 air miles from its home terminal which is located at 234 Alta Vista Way, Daly City. By letter dated March 8, 1978, applicant amended the application by restricting the sought service to vehicles having a seating capacity of 23 or fewer passengers in addition to the driver. The application was protested by Greyhound Lines, Inc., Falcon Charter Service, and Eastshore Lines. Public hearing was held before Administrative Law Judge Arthur M. Mooney at San Francisco on March 28, 1978, on which date the matter was submitted. No protestants appeared at the hearing. Applicant's attorney advised that he was informed by all protestants that with the amendment to the application, they had no further interest in the matter.

The president of applicant testified as follows: He has had considerable experience in the transportation and sightseeing industry. Applicant has operated as a permit charter-party carrier of passengers under authority from the Commission since 1972. Its present business is divided into two segments, one involves the transportation of business executives and diplomats from all over the world, and the other

Involves the transportation of groups of visitors from Japan and other foreign countries and also from other states. It commenced its permit operation with one limousine and now operates a Cadillac and a Lincoln limousine, two 14-passenger Mercedes buses, and a 14-passenger Dodge van. A Jaguar automobile is also registered to the corporation, but it is used by company personnel only. The Mercedes buses are capable of transporting 16 passengers; however, since applicant's permit authority is restricted by Section 5384(b) of the Public Utilities Code to vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight, two seats have been removed from each bus. The equipment is garaged at the Japanese Center in San Francisco. Major repairs are done by the dealers from whom the equipment was purchased, and minor repairs and servicing are done by applicant at its Daly City location. Applicant's present operations are primarily in the San Francisco Bay area although it does provide multi-day special charter custom tours from both San Francisco and Los Angeles. In addition to their other duties, both he and applicant's vice president drive equipment. Applicant also employs a secretary and one full-time driver, and it hires additional qualified drivers as needed. It also has bilingual tour guides available when necessary for foreign groups and provides specialized charter service under its permit for large travel agencies such as American Express.

Applicant's president stated that his company has had numerous requests for equipment with a seating capacity in excess of 14; that because of the 14-passenger restriction in its permit authority, it has been unable to comply with such requests; that it has located a medium sized FMC bus which is owned by a church in the Santa Cruz area; that the church requires a larger bus and will sell the FMC bus to applicant; that if the sought authority is granted, applicant will buy this bus and modify the interior to include seating for 23 passengers and a tour director, a galley, a rest room, a video tape and TV unit, a public address system, and individual stereo equipment for the passengers; that the operation of equipment of this size will fill a much needed gap for groups that require equipment larger than a

mini-bus and smaller than a full size bus; that should applicant's business so require, it will obtain an additional bus of this size; and that applicant would have no objection to the insertion of a restriction in the sought Class B certificate stating that no service is authorized on the property of any airport unless applicant has a prearranged order for such service.

According to applicant's Exhibit 4, its net income for the year 1977 was \$25,570 after provisions for federal and state income taxes. Its balance sheet dated December 31, 1977 shows assets of \$82,300, liabilities of \$8,300, and a shareholders' equity of \$74,000.

Applicant's attorney stated that the application is supported by the California Farm Travel Bureau, American Tours International, Inc., and J.A.C. Tours, Inc.; that each of these organizations had agreed to provide a witness to so testify; and that since there is no opposition to the application, as amended, he advised the witnesses that their presence at the hearing was not necessary.

We are of the opinion that the application, as amended, should be granted. Because, as asserted by applicant's attorney, there is an urgent need for the proposed service and there is no opposition to the sought authority, as amended, the order which follows will be made effective on the date it is issued.

#### Findings

1. Applicant has the ability, experience, and financial resources to perform the proposed service.

2. Public convenience and necessity require that the service proposed by applicant be established.

3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal at 234 Alta Vista Way, Daly City.

4. It is reasonable to include the following restrictions in the Class B charter-party carrier of passengers certificate to be issued to applicant:

- a. Applicant shall operate only vehicles having a seating capacity of 23 or fewer passengers in addition to the driver.

- b. Applicant shall not conduct any operation on the property of or into any airport unless it has a prearranged order for such service.

5. No charter-party carrier of passengers appears to be providing service with vehicles having 23-passenger seating capacity in the San Francisco Bay area.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion

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 International Traveler's Limousine & Tour Co., Inc., authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of 40 air miles from applicant's home terminal at 234 Alta Vista Way, Daly City, subject to the following restrictions:

- a. Applicant shall operate only vehicles having a seating capacity of 23 or fewer passengers in addition to the driver.
- b. Applicant shall not conduct any operation on the property of or into any airport unless it has a prearranged order for such service.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulation. Failure so to do may result in cancellation of the operating authority granted by this decision.

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-Series, and the insurance requirements of the Commission's General Order No. 115-Series.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of JUNE, 1978.

Robert Bohm  
President  
William J. Jones  
Veronica L. Sturgeon  
Charles D. Howell  
Wain T. Smith  
Commissioners