

ORIGINAL

Decision No. 90559 JUL 17 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NOB HILL LIMOUSINE
AND TOURS, LTD., for a Class B
certificate to operate as a
charter-party carrier of passengers.
(TCP-68-B)

Application No. 58490
(Filed November 28, 1978)

Handler, Baker & Greene, by William D. Taylor
and Ronald Chauvel, Attorneys at Law, for
Nob Hill Limousine and Tours, Ltd., applicant.
James S. Clapp, Attorney at Law, for Lorrie's Travel
& Tours, Inc., interested party.
William W. Hickenbottom, for the Commission staff.

O P I N I O N

This is an application by Nob Hill Limousine and Tours, Ltd. (Nob Hill) seeking a Class B certificate to operate as a charter-party carrier of passengers.

A duly noticed public hearing was held in this matter before Administrative Law Judge Donald B. Jarvis in San Francisco on April 10, 1979^{1/} and it was submitted on that date.

Initially, Greyhound Lines, Inc., Franciscan Lines, Inc., and Falcon Charter Service protested the application. Thereafter, Nob Hill agreed to amend its request^{2/} and the protests were withdrawn.

^{1/} The matter was called and continued on March 5, 1979.

^{2/} This was done orally at the hearing.

Nob Hill seeks authority to operate charter-party carrier service from points of origin within 40 miles of its terminal at 43 Gladys Road, Brisbane, California. The proposed operation is to be restricted to vehicles having a passenger capacity of 22 persons or less.

The Commission makes the following findings and conclusion.

Findings of Fact

1. Nob Hill operates as a passenger stage corporation under operating authority granted by the Commission.
2. Nob Hill operates 14 limousines and 4 maxi-vans. It has purchased two 1974 Gruman buses with seating capacity for 22 passengers. The buses are being retrofitted with ramps and removable seats to accommodate handicapped persons in wheelchairs.
3. Nob Hill had gross operating revenues of \$551,112 for the period from January 1, 1978 to December 31, 1978. It had total assets of \$301,507 on December 31, 1978.
4. Nob Hill has the ability, including financial ability, to conduct the proposed operations.
5. There is a limited number of 22 passenger vehicles providing charter-party carrier service in the San Francisco Bay Area. Seminar, convention, and tour promoters and their patrons have the need for charter-party vehicles which will accommodate up to 22 passengers. Handicapped persons have the need for charter-party vehicles which will accommodate wheelchairs.
6. In the light of the withdrawal of the protests to the application pursuant to Section 5375.1 of the Public Utilities Code, we find that none of the existing charter-party carriers in the territory will provide the service herein proposed adequately for the public or to the satisfaction of the Commission.
7. Public convenience and necessity require that the operating rights requested in the amended application be granted.

A.58490 kd

8. 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 of Law

The amended application should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, shall be issued to Nob Hill Limousine and Tours, Ltd. 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 43 Gladys Road, Brisbane, California. The service authorized herein shall be restricted to vehicles having a capacity to transport no more than twenty-two (22) passengers.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulation. Failure to do so 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 shall be thirty days after the date hereof.

Dated at San Francisco, California, this 17th day of JULY, 1979.

John E. Boyer
President
William L. Stegman
Arthur D. Scott
Clair J. Spang
Donald J. Smith
Commissioners