

Decision No. 91439

MAR 18 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of W. J. Federici, et al., for a)
Class "B" certificate to operate)
as a Charter-party Carrier of)
Passengers, S. Bruno.)
(File No.: B-5))

Application No. 58926
(Filed June 11, 1979)

Dallas Brock, Attorney at Law, for applicants.
James T. Casey, for Franciscan Bus Lines; and
Alan T. Smith, for Falcon Charter Service;
protestants.
R. O. Collins and Robert E. Bouchet, for the
Commission staff.

O P I N I O N

William John Federici and George Pompeii (applicants) have formed a copartnership and propose to operate out of San Bruno, San Mateo County, as a Class B charter-party carrier under the fictitious name, Bay Cities Bus Lines.

A public hearing was held in San Francisco on November 2, 1979 before Administrative Law Judge Edward G. Fraser after protests were filed by Franciscan Bus Lines and Falcon Charter Service. The protestants withdrew after applicants stipulated that pickups in San Francisco would be limited to two designated points in the downtown area.

Applicant Federici advised that he has been driving buses for eight years, part of the time for charter operators. He recently purchased a 48-passenger 1965 Silver Eagle Bus, which has been certified by the California Highway Patrol. A second bus will be purchased if business expands as expected. Applicants plan to provide service for senior citizens and other groups with comparatively little money to spend. No service will be provided out of Alameda County at applicants' request, and only the Y.M.C.A. Senior Associates and the Saint Mary's Senior Citizens will be transported out of San Francisco pursuant to stipulation with protestants.

Applicant Federici held a certificate of public convenience and necessity as a passenger stage corporation (Decision No. 84880, in Application No. 55690) from September 1975 to October 1977. The service authorized consisted of home-to-work transportation for a group of employees between San Bruno and South San Francisco, on the one hand, and Oakland, San Leandro, and Hayward, on the other hand.

The application contains a financial statement and indicates that applicants' home terminal will be in San Bruno.

Fifteen representatives of senior citizens groups were present at the hearing. Most have ridden with Federici in the past and all supported the application.

Findings of Fact

1. Applicant Federici has previously operated as a passenger stage corporation under a certificate of public convenience and necessity.

2. Applicants have applied for authority to operate as a Class B charter-party carrier of passengers out of a terminal in San Bruno, San Mateo County.

3. Service will be provided with a 48-passenger 1965 Silver Eagle bus, which has been inspected by the California Highway Patrol.

4. Applicants will specialize in providing service to the elderly and other low-income groups.

5. Applicants possess satisfactory fitness and financial responsibility.

6. Applicants have the experience, equipment, personnel, and resources to maintain the proposed service.

7. Public convenience and necessity require that the service proposed by applicants be established.

8. It was stipulated that applicants will not pick up passengers in Alameda County and will only transport two groups out of the City and County of San Francisco: the Y.M.C.A. Senior Associates to be picked up at 220 Golden Gate Avenue in San Francisco, and the Saint Mary's Senior Citizens to be picked up at the intersection of Murray and Mission Streets in San Francisco.

9. Applicants should be authorized to pick up passengers within a radius of 40 air miles from their home terminal at 200 Linden Avenue, San Bruno, California.

10. 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 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, is granted to William John Federici and George Pompeii, a copartnership doing business as Bay Cities Bus Lines, authorizing them 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 forty air miles from applicants' home terminal at 200 Linden Avenue, San Bruno, California.

2. In providing service pursuant to the certificate herein granted, applicants 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.

Applicants 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.

3. Applicants shall not pick up passengers in Alameda County and shall not pick up passengers in the City and County of San Francisco, except for members of the Y.M.C.A. Senior Associates at 220 Golden Gate Avenue, and members of the Saint Mary's Senior Citizens at the intersection of Murray and Mission Streets in San Francisco.

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

Dated MAR 18 1980, at San Francisco, California.

John E. Boyer
President
James P. [unclear]
Robert W. [unclear]
[unclear]
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.