

Decision No. 92945 APR 21 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
JOHN A. MORGAN doing business as
MORGAN TRAILS, for CLASS "B" certificate
to operate as a charter-party carrier
of passengers, Los Angeles
(File No. G.O. 98-A).

Application No. 59850
(Filed August 1, 1980)

O P I N I O N

John A. Morgan (Morgan), a sole proprietor doing business as Morgan Trails, applied for a Class B certificate to operate as a charter-party carrier of passengers within 40 air miles from his home terminal at 5100 Avalon Boulevard, Los Angeles, California.

Morgan's application shows that he is the owner of three 41-passenger GMC motor vehicles. Applicant bus driver has four years' experience. A net worth of \$27,940 is shown as of July 21, 1980.

The application appeared on the Commission's Daily Calendar on September 25, 1980, and a Petition For Filing Of Protest was filed by Greyhound Lines, Inc. on September 25, 1980. No other protests were received. On January 7, 1981 Greyhound's petition was formally granted by Administrative Law Judge Orville Wright (ALJ) as the matter was set for hearing on January 21, 1981.

On January 15, 1981 the ALJ was advised that Morgan agreed with Greyhound that his petition would be amended to restrict Morgan's requested authority to charter operations that do not extend beyond San Luis Obispo, Kern, and San Bernardino Counties to the north of his terminal and that service would be limited to four buses. On the condition that his agreement would be accepted by the Commission, Greyhound withdrew its protest, and the matter was taken off calendar.

Findings of Fact

1. Morgan has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by Morgan be established.
3. Morgan should be authorized to operate from a service area that shall not encompass more than a radius of 40 air miles from his home terminal at 5100 Avalon Boulevard, Los Angeles, and shall be restricted on the north to the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties. Service should be limited to four buses.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. A public hearing is not required.

Conclusion of Law

The requested certificate should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity 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 applicant's home terminal at 5100 Avalon Boulevard, Los Angeles, California, and restricted on the north by the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, is authorized to be issued to applicant, John A. Morgan, doing business as Morgan Trails. Service shall be limited to four buses.
2. In providing service pursuant to the certificate when issued, applicant shall comply with and observe, among other things, 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. Failure to do so may result in cancellation of the operating authority.

3. When the required California Highway Patrol clearances are received by the Commission's Passenger Operations Branch and the evidence of adequate protection against liability imposed by law is filed in compliance with General Order No. 115-Series, the annual renewable certificate on Form PE-695 will be issued by the Passenger Operations Branch under the authorization of Resolution PE-303, approved July 29, 1975.

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

APR 21 1981

Dated _____, at San Francisco, California.

John S. Snyer
President

Richard W. Howell

Leonard W. Smith

Walter R. ...

Presulla C. ...
Commissioners