

APR 21 1981

ORIGINAL

Decision No. 92956

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Y. Walker and Bette Lerma,)
doing business as Travel Fantasies,)
for a certificate to operate as a)
Charter-Party Carrier of Passengers,)
San Francisco.)

Application No. 60191
(Filed January 15, 1981)

O P I N I O N

Yvonne Walker and Bette Lerma, doing business as Travel Fantasies, request a Class B certificate to operate as a charter-party carrier of passengers from a service area encompassing a radius of 40 air miles from San Francisco.

Applicants are presently conducting sightseeing tours as a passenger stage corporation from San Francisco to various points of interest in San Jose, the Russian River, and Napa Valley pursuant to Decision No. 91812 dated May 20, 1980 in Application No. 59466.

Applicants own a 1981 21-passenger Dodge and lease a 1980 14-passenger Ford. As of January 1, 1980 applicants indicated a net worth in the amount of \$26,800.

Notice of the filing of the application appeared in the Commission's Daily Calendar of January 16, 1981, and copies of the application were served upon Greyhound Lines, Eastshore Lines, Gray Line Inc., Franciscan Lines, Falcon Charters, Peerless Stages, Bayshore Lines, Southshore Lines, Inc., Agentours Inc., SFO Airporter, El Camino Charter Lines Inc., Hi-Way Tours Inc., Scenic Highway Tours, Gateway Bus Lines, Guiton Charter Bus Lines, Asian American Charter Service, Inc., International Travelers Limo and Tour Company, Vista Limousine, Transcal Tours, and Dolphin Tours. By letter dated January 30, 1981,

Greyhound Lines, Inc., indicated that it would have no protest if applicants were restricted to the use of buses with passenger seating capacity of 26 or less. By letter dated February 3, 1981, applicants indicated a willingness to accept such a restriction. If applicants ever desire to have the restriction removed they may file an application to modify this decision. ✓

On March 2, 1981 Lorrie's Travel and Tours, Inc. filed a motion to accept a late-filed protest. The protest will be denied.

Findings of Fact

1. Applicants are presently engaged in conducting sightseeing tours from San Francisco to various points of interest in San Jose, the Russian River, and Napa Valley.

2. Applicants have the necessary equipment, experience, ability, fitness, and financial ability to conduct the proposed service.

3. Applicants' business address is 131 20th Avenue, San Francisco, California 94121.

4. Public convenience and necessity require that applicants be granted a certificate to operate as a Class B charter-party carrier of passengers using buses with passenger seating capacity of 26 or less.

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.

Conclusion of Law

The application should be granted subject to the restriction that applicants shall use buses having a capacity of 26 passengers or less.

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 applicants' home

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terminal at 131 20th Avenue, San Francisco, California, 94121, is authorized to be issued to Yvonne Walker and Bette Lerma, doing business as Travel Fantasies, subject to the restriction that applicants shall use buses having a passenger seating capacity of 26 passengers or less.

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

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

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Commission's General Order No. 115-Series. Failure to do so may result in cancellation of the operating authority granted by this decision.

4. The motion of Lorrie's Travel and Tours, Inc. to file a late-filed protest is denied.

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

Dated APR 21 1981, at San Francisco, California.

John E. Bayne
President
Richard D. [unclear]
Francis J. [unclear]
Robert [unclear]
Presidents C. Green
Commissioners