

Decision 93109

May 19, 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Airport Passenger, Inc., for a certificate to operate as a Class "B" Charter-Party Carrier of Passengers, Stockton.

Application 60055 (Filed November 6, 1980)

Willie J. Billingsly, for Airport Passenger, Inc., applicant.

Richard M. Hannon, Attorney at Law, for Greyhound Lines, Inc., and W. R. Allen, for Amador Stage Lines, Inc., protestants.

INTERIM OPINION

During the course of hearings^{1/} in this matter, Airport Passenger, Inc.'s (Airport Passenger) manager testified that it regularly transports groups of school children (under its existing charter permit TCP 2322-P) on school-related extracurricular activities, and plans to do so in the future.

None of Airport Passenger's buses have been safety certified under the California Highway Patrol's (School Program Activities Bus) (SPAB) program (Vehicle Code §§ 2807.1 and 2807.2).

^{1/} Hearing was conducted on February 23, 1981 in San Francisco before Administrative Law Judge (ALJ) Gilman.

Furthermore, Airport Passenger has not required any of its drivers to become specially licensed as required by § 545 of the Vehicle Code to transport school activities groups. ✓

The ALJ directed applicant to file not later than April 1, 1980 evidence of compliance with SPAB requirements. The filing discloses that Airport Passenger has not complied with either certification or licensing requirements.

These are serious deficiencies. The SPAB program was designed to prevent a repetition of a recent maintenance-related accident which killed and injured many members of a Bay Area school band when the bus in question fell from a freeway overpass.

Findings of Fact

1. Airport Passenger transports groups composed of school pupils and persons accompanying them for supervisory purposes on trips to or from a public or private school, or to and from school activities.

2. Airport Passenger conducts such operations in vehicles which are not certified by the California Highway Patrol under Vehicle Code §§ 2807.1 and 2807.2.

3. Airport Passenger permits vehicles conducting such operations to be driven by persons who are not licensed as required by Vehicle Code § 545.

4. The lives of children are involved and therefore no procedural delays should be tolerated in issuing this order.

Conclusions of Law

1. Airport Passenger has not complied with Vehicle Code §§ 545, 2807.1, and 2807.2

2. Airport Passenger should be prohibited from conducting such operations except with drivers who possess required licenses and in vehicles which have been approved as required by law.

INTERIM ORDER

IT IS ORDERED that:

1. Airport Passenger, Inc. and Willie J. Billingsly and their investors, stockholders, officers, employees, and agents shall not transport any group composed of students and persons accompanying them for supervisory purposes on trips to or from a private or public school, or to or from school activities unless:

- a. The person or persons driving the vehicle or vehicles holds current valid license or licenses as required by Vehicle Code § 545; and
- b. All vehicles used in such operations are inspected, certified, and maintained as required by Vehicle Code §§ 2807.1 and 2807.2.

2. When such licenses are issued to its drivers and when such certificates are issued to its vehicles, Airport Passenger, Inc. shall provide copies to the Executive Director of this Commission and ALJ Gilman. This application will not be processed further until these copies are filed.

3. A copy of this order shall be personally served on Willie J. Billingsly.

This order is effective today.

Dated MAY 19 1981, at San Francisco, California.

Jul E. Bryan
President
Richard D. [unclear]
Thomas W. [unclear]
Walter [unclear]
Prudence C. [unclear]
Commissioners