

Decision 93357 JUL 22 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CAMPEBINOS UNIDOS, INC. )  
for a Certificate of Public Convenience )  
and Necessity to extend operations as a )  
passenger stage corporation. )

Application 60414  
(Filed March 31, 1981;  
amended June 1, 1981)

Joseph Zimmerman, Attorney at Law, for  
applicant.

Anthony P. Carr, Attorney at Law, for  
Greyhound Lines, Inc.; and Oscar Luis  
Gonzales, for Alberto Rico and Kennedy  
Transit System; protestants.

William Austin, for the Commission staff.

O P I N I O N

Campebinos Unidos, Inc. (CUI), a California nonprofit corporation, seeks a certificate of public convenience and necessity, under Public Utilities Code (PU) Code §§ 1031-1038. CUI seeks to extend existing passenger stage operations from Niland to El Centro, southerly to Calexico. This extended north-south route would commence in Niland, extend to Calipatria, Westmorland, two stops in Brawley, Imperial Valley College (IVC), Imperial, El Centro, Imperial Valley Association for the Retarded (IVAR), Heber, and terminate in Calexico. CUI also seeks to establish an east-west route commencing in Seeley, extending to three stops in El Centro, Work Training Center (WTC), IVC, and terminating in Holtville. Returns on both routes would be via the reverse route to the point of beginning.

CUI proposes dual fares schedules of \$0.076 per mile for the general public and \$0.05 per mile for students, senior citizens, and for handicapped persons, both rounded to the nearest \$0.05. Weekly and monthly passes between any two points on a route would be available at a 10% discount.

This application seeks to implement the second phase of a Rural Highway Transportation Demonstration Project.

CUI alleges that public convenience and necessity require the proposed service, arguing that:

"The rural communities in Imperial County need transportation service to and from urban centers as well as to and from the Community College and other vocational training centers on a reliable and affordable basis. Many residents, i.e. the physically limited, students, senior citizens and other transportation disadvantaged individuals do not have or can no longer afford to use the most basic means of transportation (automobile) from their homes in outlying rural settlements into the urban centers and/or educational and vocational centers. This lack of transportation has isolated them in such a way that they cannot receive social, employment, medical, educational, as well as other services to which they are entitled."

CUI also cites a text which states:

"The pervasive and limiting effect of transportation problems on the quality of social welfare services in rural areas demands that we recognize that transportation is an end in itself."

Greyhound Lines, Inc. (Greyhound) filed a protest to granting the application and a duly noticed public hearing was held before Administrative Law Judge (ALJ) Jerry J. Levander in Brawley, California, on May 6, 1981. The matter was submitted subject to the filing of an amendment and of a late-filed exhibit which have been received.

#### Hearings

At the hearings a number of persons and entities supported the CUI application. All of the testimony on the quality of CUI's existing service was favorable. For example, a letter from Ronald W. Venable (Exhibit 5) states that he appreciates the personal touch of CUI's drivers; he is legally blind and cannot drive a car; CUI meets his special needs

by providing access to IVC; he hopes to attend a university and to work part time at IVC; and without CUI he would have to give up his job or education or both. A 196-signature petition pointed out the need for CUI's service by low-income people, senior citizens, students, and handicapped persons, who constitute a significant segment of the population in the affected rural communities.

Gustavo Roman, transportation coordinator for the Imperial County (County), Department of Public Works, testified that the County adopted a short-range transit plan (Exhibit 1) setting up a transit agency governed by the Imperial County Association of Governments. The plan sought to avoid establishment of directly competitive services. County's study determined that there was an unmet need for transportation services of between 65 and 315 trips per day. Almost all of the people who needed additional service were "transportation disadvantaged" and/or people who needed transportation to IVC. Greyhound is, and would continue to be, the primary intercity transit service provider. County believed that CUI's proposal would complement Greyhound's service. Other private operators would continue providing transportation services. Governmental funds will be used to help defray the costs for several transportation services, including CUI. The five-year goal of the plan is to provide services capable of generating at least 50% of system costs, through fares, subscription and contract fees, and advertising revenues, but excluding federal funding.

Late-filed Exhibit 7 defines the initial scope of that support. The California Department of Transportation approved CUI's proposed Phase Two budget of \$211,686, which includes \$21,689 in fares, \$40,000 in local contributions, and \$150,000 in Section 147 Funds under the Federal Aid Highway Act of 1973. The latter amount includes \$60,000 for the buses and hydraulic lifts, \$30,594 for administrative and overhead costs, \$15,259 in other nonoperating costs, and \$44,151 in operating costs.

Leonard Richardson, community program specialist for the State of California Developmental Disabilities Area Board XIII (Board), serving Imperial and San Diego Counties, testified that the Board believes that CUI is providing a necessary transportation service for disabled persons. The Board assists in meeting developmental needs of persons with severe chronic disabilities attributable to mental and/or physical impairments originating before age 22, including people with conditions of mental retardation, cerebral palsy, epilepsy, or autism. The Board's activities also include meeting the needs of persons classified as "transportation disadvantaged." Richardson supported CUI's proposal but he proposed and CUI adopted a 1.1-mile jog in its route to stop at IVAR. CUI had already proposed service to WTC. The county agencies operating IVAR and WTC had lost direct transportation funding and had to purchase vans which had daily operating costs of over \$8 per person per day. These agencies could more effectively develop their programs if CUI met major portions of their transportation needs.

CUI also acceded to a request to modify its proposal to stop at a handicraft training center for the blind in El Centro.

Several other witness testified about the needs of poor, handicapped, aged, and students for CUI's services. Existing services were stated to be either unavailable, too costly, too infrequent, or operated at inconvenient hours. CUI's more frequent services would provide the only opportunity for some of these people to meet their transportation needs, and would enable other people to get needed training to obtain employment and/or to complete educational training.

Under a stipulation with Greyhound, CUI will not buy more than two new 30-40<sup>1/2</sup> passenger buses, each equipped with a hydraulic lift and wheelchair tiedowns, to transport passengers over its proposed routes.

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1/ A larger capacity could be used if the bus manufacturer could not provide 30-to-40 passenger buses.

Oscar Gonzales testified that Alberto Rico, Kennedy Transit System's (Kennedy) owner, had invested substantial amounts of his own fund and had mortgaged his home to purchase six 20-passenger vans used in providing service within Calexico; that Kennedy was negotiating to provide additional services; and that due to adverse economic conditions, Kennedy had voluntarily requested that its passenger stage authority to transport persons between Calexico and IVC be suspended. Kennedy objected to certification of CUI between Calexico and IVC because that certification could make it uneconomical for Kennedy to exercise its competing authority. Gonzales testified that he had filed evidence of insurance, timetables, tariffs, and vehicle inspection approvals but that they had apparently been lost by the Commission staff.

William Austin stated that the staff had not received the materials needed for reinstatement of Kennedy's operating authority. The ALJ stated that Kennedy could refile those materials. Gonzales stated that he would do so promptly. The documents were received by the Commission but were incomplete. ✓  
✓

#### Discussion

The testimony provides overwhelming evidence of public convenience and necessity to operate over the routes requested. CUI has the capability of providing this service. CUI's service is unique and needed to provide service with buses capable of transporting the general public as well as handicapped persons using wheelchairs. The entire authorization would be granted even if Kennedy were properly exercising a previously granted passenger stage certificate between Calexico and IVC.

#### Findings of Fact

1. CUI possesses the ability, experience, and financial resources to perform the proposed service.

2. There is public demand for CUI's proposed service.
3. Protestant Kennedy is not conducting authorized passenger stage operations between Calexico and IVC. He is not providing service over the route requested to the Commission's satisfaction. ✓
4. Kennedy's proposed passenger stage operations would not provide service to handicapped persons using wheelchairs to the satisfaction of the Commission.
5. Public convenience and necessity require that the service proposed by CUI be certificated.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The Commission concludes that the application should be granted as set forth in the ensuing order.
2. The following order should be effective on the date of signature since there is a demonstrated present need for CUI's service.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Campesinos Unidos, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix A, to transport persons.
2. The certificate shall incorporate operating authorities previously granted to Campesinos Unidos, Inc., by the Commission's D.91818 in A.59024. The certificate shall supersede all passenger stage corporation operative rights previously granted to Campesinos Unidos, Inc.

3. The certificate granted to Campesinos Unidos, Inc. is revoked and its tariffs and timetables are canceled on the effective date of the new tariffs and timetables to be filed by Campesinos Unidos, Inc.

4. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated JUL 22 1981, at San Francisco, California.

José E. Suro  
President

Guillermo R. Roca

Lionel M. Ramirez

Victor Calvo

Rosendo C. Hernandez  
Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC - 1113

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions, and privileges.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Issued under authority of Decision 93357, dated JUL 22 1981,  
of the Public Utilities Commission of the State of California, in  
Application 60414.



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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

Campeños Unidos, Inc., (CUI) by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to act as a passenger stage corporation to transport passengers and their attendant baggage between a terminal each in Niland, Calipatria, Westmorland, and Brawley, The Imperial Valley College (IVC), Imperial, then El Centro, The Imperial Valley Association for the Retarded (IVAR), Heber, then Calexico, Seeley, Holtville and designated intermediate points, over the routes described as a consolidated and unified operation, subject to the authority of this Commission to change or modify these routes at any time, and subject to the following provisions:

- a. Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- b. When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- c. No passenger shall be transported whose origin or destination is a point other than the cities, points, and places authorized; and specific points of pickup and discharge of passengers shall be named in applicant's tariff.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS. (Continued)

- d. CUI shall not purchase as new equipment more than two buses which exceed 30-40 <sup>1/</sup> passenger seating capacity. Each of the above are to be equipped with hydraulic lifts and wheelchair tie-downs.

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1/ A larger capacity could be used if the bus manufacturer could not provide 30-40 passenger buses.

Issued by California Public Utilities Commission.  
Decision 93357, Application 60414.

SECTION 2. ROUTE DESCRIPTIONS.

Seeley to Holtville

Commencing in Seeley at the County Water District, 1898 West Main Street, eastward on State Highway 80 turning south on Imperial Avenue to the Plaza Shopping Center, Imperial and Main Street, then easterly on Main Street to Adams Avenue north three blocks to the El Centro Blind Center, 473 Park Avenue, then via the most appropriate route to Main Street eastward to SER/Jobs for Progress, 155 Main Street, picking up and discharging passengers, continuing east to the Work Training Center, 361 East Evan Hewes Highway, proceeding to State Highway 111 north to Imperial Valley Campus, south side of campus, picking up and discharging passengers, then south on State Highway 111 to Evan Hewes Highway turning east to the City of Holtville stopping at the corner of MacArthur Park and Main Street, picking up and discharging passengers on the west side of the Park, then returning via the reverse route to the exact point of beginning.

Issued by California Public Utilities Commission.

Decision 93357, Application 60414.

## SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Calexico to Niland

Commencing from the California Commerce Bank, 25 East Third, in the City of Calexico north on Imperial Avenue to Foster's Old Fashion Freeze, 415 Imperial Avenue, where passengers shall be picked up or discharged, then north on State Highway 111 turning west on State Highway 86 to Heber, Circle K on 72 Main Street, picking up and discharging passengers continuing west onto Heber Road turning north on Clark Road to IVAR facility, 1331 Clark Road, proceeding north to McCabe Road turning east rejoining State Highway 86 north to the Plaza Shopping Center, Imperial and Main Street in the City of El Centro, picking up and discharging passengers proceeding north on State Highway 86 to the Texaco Gas Station, on Main Street in the City of Imperial, continuing south on State Highway 86 to Aten Road, due east on Aten Road to Imperial Valley College, south side of campus, then picking up and discharging passengers, north on State Highway 111 to State Highway 86 westward to Los Dos Gorditos, 1191 East Main, in the City of Brawley, westward to Safeway Store, Main and 3rd Street, westward on State Highway 86 to Circle K Food Store in the City of Westmorland, picking up and discharging passengers, continuing northeasterly on Imperial County Road S-30 to Circle K Food Store in the City of Calipatria, thereafter proceeding east to State Highway 111 north to Len Sporting Goods in the City of Niland, then returning via the reverse route to the exact point of beginning.

SECTION 2. ROUTE DESCRIPTIONS.

Niland to Calexico

Commencing from Len Sporting Goods, Niland, California, via the most appropriate route to State Highway 111, south on State Highway 111 to Circle K Food Store in Calipatria picking up and discharging passengers, then west on Imperial County Road S-30, southwest on S-30 to Circle K Food store on Main Street in the City of Westmorland, east on Main Street to State Highway 86 to the Safeway Store, Main and 3rd Street, in Brawley picking up and discharging passengers proceeding east to Los Dos Gorditos, 1191 Main Street, then continuing east to State Highway 111, turning south on State Highway 111 to Imperial Valley College, south side of campus, where passengers shall be picked up and discharged, due west on Aten Road to State Highway 86 turning north on State Highway 86 to the Texaco Gas Station on Main Street in Imperial, turning south on State Highway 86 to Imperial Avenue, continuing south on Imperial Avenue to the Plaza Shopping Center, Imperial and Main Street in El Centro where passengers will be picked up and discharged, continuing to State Highway 86 south turning west on McCabe Road 0.5 mile, south on Clark Road into IVAR facility, continuing south on Clark Road, turning east on Heber Road 0.6 mile to rejoin State Highway 86 then to Circle K Food Store, 72 Main Street, continuing east to State Highway 111 turning south on State Highway 111 to Calexico with stops at Foster's Old Fashion Freeze, 415 Imperial Avenue, and continuing south to California Commerce Bank, 25 East Third, Calexico, picking up and discharging passengers, then returning via the reverse route to the exact point of beginning.

Issued by California Public Utilities Commission.

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