

Decision 99-02-009 February 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Janet C. Edwards D.B.A. Kids Kaddy for authority to operate as a Passenger Stage for transportation passengers (primarily children) to their activities within the City limits of Rialto. This may include travel to the neighboring communities of Fontana, Bloomington or Colton.

Application 98-07-025
(Filed July 10, 1998;
amended September 2, 1998)

OPINION

Summary

This decision grants the application of Janet Carol Edwards (applicant), an individual, doing business as Kids Kaddy, for authority under Public Utilities (PU) Code § 1031 et seq. to establish and operate an on-call passenger stage corporation service to transport children under the age of 18, between points and places in the City of Rialto and neighboring communities.

Discussion

Applicant proposes to operate as a passenger stage corporation specializing in the transportation of children between home or school and activities such as gymnastics, dance, and football, and from one activity to another. She originally described her proposed service territory as "within the Rialto region." By an amendment to the application filed September 2, 1998, applicant clarified that she will serve an area described by the U.S. Postal Zip Codes 92336, 92376, and 92377. This includes most of the City of Rialto and portions of neighboring communities.

Applicant states that the population of Rialto and the surrounding area is increasing by more than 12% per year, while at the same time budget constraints have limited the availability of bus service. She asserts that there is a great demand in the area for reliable and safe transportation with reasonable fares for children.

Applicant proposes to operate Monday through Friday between 6 a.m. and 7 p.m. using a seven-passenger van. The proposed one-way fares are \$5 (within a zone) and \$6 (between zones). The proposed fares are reasonable. Exhibit B, attached to the application, is an unaudited Balance Sheet as of August 15, 1997 that indicates total assets of \$185,000, total liabilities of \$118,000 and net worth of \$67,000.

Decision (D.) 97-07-063 in Rulemaking 95-08-002 adopted rules applicable to carriers primarily engaged in the transportation of unaccompanied children¹ under the age of 18 years in vehicles that accommodate not more than ten persons, except carriers utilizing valid youth bus vehicles whose seating capacity is sixteen passengers or less, and operate as a common carrier. These rules contained in Appendix A of the decision are applicable to the requested service of applicant, and are in addition to any other requirements applicable to all passenger stage carriers. One of the rules, under "Symbol," requires that, "In lieu of PSC designation, each vehicle shall contain a distinctive identifying symbol at least, on its front and rear bumpers, visible at a minimum of 100 feet, which contains the designation "CHILD---." For record keeping purposes the Rail Safety and Carriers Division will use a "PSC" designation in connection with this certificate.

¹ Unaccompanied children as used in D.97-07-063 includes transportation of an affiliated adult accompanying a child during, or incidental to, the transportation at issue.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 21, 1998. The applicant notified the affected cities and transit agencies. She also notified each public pediatric health director and superintendent of each public school district in the proposed service area and published in *The Sun*, a San Bernardino newspaper, a notice of the proposed service, for two consecutive days, on August 6 and 7, 1998, in compliance with Ordering Paragraphs 7 and 8 of D.97-07-063.

In Resolution ALJ 176-2997 dated July 23, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-2997.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant requests authority, as amended, to operate as an on-call , door-to-door passenger stage corporation, primarily to transport children, between points and places in U.S. Postal Zip Codes 92336, 92376, and 92377.
2. Public convenience and necessity require the proposed service.
3. The rules and regulations for the transportation of children as contained in Appendix A of D.97-07-063 are applicable in this application.
4. Applicant has complied with Ordering Paragraphs 7 and 8 of D.97-07-063.
5. No protests to the application have been filed.
6. A public hearing is not necessary.

7. 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. Public convenience and necessity have been demonstrated and the application should be granted.

2. Applicant shall comply with the rules and regulations as contained in Appendix A of D.97-07-063, in addition to any other requirements applicable to all passenger stage carriers.

3. Since the matter is uncontested, the decision should be effective on the date it is signed.

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 Janet Carol Edwards (applicant), an individual, authorizing her to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, primarily to transport unaccompanied children under the age of 18 years and affiliated adults who are being transported in accordance with the rules and regulations contained in Appendix A of Decision 97-07-063, and their baggage, between the points and over the route set forth in Appendix PSC-12009 (CHILD-12009), subject to the conditions contained in the following paragraphs.

2. 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 the 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 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- h. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
- j. Comply with the "Adopted Rules for Infant and Children Common Carriers" contained in Appendix A of Decision 97-07-063.

3. Before beginning service to any airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to applicant that her evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of applicant's vehicle for service.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12009), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The application, as amended, is granted, as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated February 4, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

T/MM

Appendix -PSC-12009
(CHILD-12009*)

Janet C. Edwards
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC-12009
(CHILD-12009)

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

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.

Issued under authority of Decision 99-02-009,
dated February 4, 1999, of the Public Utilities Commission of the State of
California in Application 98-07-025.

*Each vehicle shall display this identifying symbol on its front and rear bumpers, visible
at a minimum of 100 feet.

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Issued by California Public Utilities Commission.

Decision 99-02-009, Application 98-07-025.

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

Janet C. Edwards, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport unaccompanied children who are under 18 years of age and their baggage, provided that children under four years of age shall be accompanied by a parent, guardian, parent or guardian approved family member, or an adult supervisor approved by the parent or guardian; and adults affiliated with children passengers may be transported when this is incidental to the transportation of a child. Adults may also be carried to directly pick up a child to be transported, or directly return from accompanying a child. The service shall be provided on an "on-call" door-to-door basis, between points and places as described in Section II over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. No passengers shall be transported except those having points of origin and destination named in Section 2.
- c. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of a passenger's parents, guardian or non-carrier affiliated adult supervisor designated by the parent or guardian arranging for a child passenger's transportation and for the transportation of an adult, if any, accompanying a child passenger. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.

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T/MM

Appendix PSC-12009
(CHILD-12009*)

Janet C. Edwards
(an individual)

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SECTION II. SERVICE AREA.

Within the geographical limits of the following United States Postal Zip
Codes located in the County of San Bernardino:

92336

92376

92377

SECTION III. ROUTE DESCRIPTION.

Commencing between any point or place as described in Section II.

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