

Decision 99-11-009 November 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BLUE BIRD BUS CO., LLC, PSC-9918, to amend the type of passenger stage authority from scheduled service to an on-call, inter-city, passenger stage service, and to extend service between points in the counties of San Diego, Orange and Los Angeles, on the one hand, and between points in the counties of San Diego, Riverside, San Bernardino and Los Angeles, described in the Application, on the other hand, pursuant to Section 1031, et. eq., of the California Public Utilities Code.

Application 99-07-021
(Filed July 12, 1999)

OPINION

Summary

A certificate to operate an on-call, inter-city passenger stage between stated points within southern California is granted.

Discussion

Blue Bird Bus Co., L.L.C. (Applicant) presently is a passenger stage corporation holding PSC-9918. It proposes to change its existing method of operation from a regularly scheduled, fixed route service to "on-call" service, and to serve additional points. It will operate only inter-city in the Counties of San Diego, Riverside, San Bernardino, and Los Angeles, on one route, and San Diego, Orange, and Los Angeles, on another route. No intra-city service will be provided. Listed intermediate stops for pickups and departures are shown.

Applicant proposes an on-call service with bilingual Spanish/English drivers who are owners of the vehicles and present members of Applicant.

Proposed fares range from \$7.00 to \$30.00. Service will be 7 days per week between 6:00 a.m. and 10:00 p.m. Applicant's member-owners currently operate eight 15-passenger vans. Applicant projects annual net income of \$98,625, based on total revenue of \$670,432.

This application appeared on the Commission's Daily Calendar on July 16, 1999. An amendment clarifying the application was filed on September 13, 1999 at the suggestion of the Commission Staff. There have been no protests.

In Resolution ALJ 176-3020, dated July 22, 1999, the Commission preliminarily categorized the application as ratesetting and preliminarily determined that a hearing was not necessary. The Commission's Rail Safety and Carriers Division recommends that the application be granted. Given these developments, a public hearing is not necessary and it is not necessary to disturb the preliminary determination made in Resolution ALJ 176-3020.

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

Findings of Fact

1. Applicant presently holds authority to operate as a passenger stage corporation (PSC-9918).
2. Applicant wishes to change its method of operation from a regularly scheduled, fixed route service to an on-call service between San Ysidro and El Monte/Baldwin Park or Los Angeles and return, and between San Ysidro and Pomona or San Bernardino and return.
3. No intra-city service will be provided.
4. Applicant has listed intermediate points that will serve as pickup and drop-off points.

5. Service will be provided by eight 15-passenger vans driven by the present bilingual owner-operators of Applicant.
6. Applicant projects an annual net profit.

Conclusions of Law

1. Applicant has the necessary financial resources, equipment, and experience to provide the service proposed.
2. A certificate of public convenience and necessity should be granted.
3. Since the matter is noncontroversial, the order should be made effective the date it is signed.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Blue Bird Bus Co., LLC, a limited liability company, authorizing it to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-9918 of Decision 97-09-036 is amended by replacing Original Pages 2 and 3, with First Revised Pages 2 and 3, 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 Pub. Util. 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 Pub. Util. Code § 403 when notified by mail to do so.
- h. Comply with Pub. Util. 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.

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 the applicant that its 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 vehicles for service.

5. The extension of the certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-9918), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

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

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners

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

This certificate supersedes all passenger stage operative authority granted to Carlos Alberto Berdugo, an individual.

Blue Bird Bus Co., LLC, a limited liability company, by the certificate of public convenience and necessity granted by the *revised decision noted in the foot of the margin, is authorized to transport passengers and their baggage on *an "on-call" basis, between points and places as described in and over and along the routes 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. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of the airports named in Section IIB unless such operation is authorized by the airport authority involved.

Issued by California Public Utilities Commission.

*Revised by Decision 99-11-009, Application 99-07-021.

SECTION II. *SERVICE AREA.

*Deleted.

SECTION III. ROUTE DESCRIPTION.

***Route 1 – San Ysidro-Los Angeles**

Commencing from the community of San Ysidro located in the City of San Diego, then over the most convenient streets, expressways, and highways to the cities of Los Angeles or El Monte and or Baldwin Park, with intermediate stops in the cities of Oceanside, San Juan Capistrano, Mission Viejo, Santa Ana, Anaheim, Norwalk, and Downey.

***Route 2 – San Ysidro-Pomona/San Bernardino**

Commencing from the community of San Ysidro located in the City of San Diego, then over the most convenient streets, expressways, and highways to the cities of Pomona or San Bernardino, with intermediate stops in the cities of Escondido, Murrieta, Moreno Valley, Riverside, Colton, Temecula, Perris, Rialto, Fontana, and Ontario.

Issued by California Public Utilities Commission.

*Revised by Decision 99-11-009, Application 99-07-021.