

Decision 09-08-012 August 20, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sally Wood Williams and Mark Samuel Williams, doing business as SCOOT for Authority to operate as a scheduled, door-to-door, Passenger State Shuttle Service to transport Children to and from School, Sports Practices and Games, and After-School Daycare and Activities and Summer Camps between points in Menlo Park, Atherton, Palo Alto, and Redwood City California; and to Establish a Zone of Rate Freedom.

Application 09-05-022
(Filed May 28, 2009)

D E C I S I O N

Summary

This decision grants the application of Mark Samuel Williams and Sally Wood Williams (Applicants), husband and wife, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, and to establish a zone of rate freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

Discussion

The application, as amended by letter dated July 1, 2009, requests authority to operate as a PSC to transport children between points in the Cities of Atherton, Menlo Park, Palo Alto, and Redwood City. Applicants report that the number of families with two full-time working parents has increased in the community it seeks to serve. Many stay-at-home mothers have returned to work in recent months. As a consequence, parents are being challenged in providing

transportation for their children to and from school, daycare, and after school activities. Applicants state the proposed service will provide an option that parents can use to assist them in balancing demanding work schedules with the needs of their children.

Applicants intend primarily to serve students of the Menlo Park City School District. They advise that school bus availability in the District is limited – many families are wait-listed for the school year and some neighborhoods are not served. Additionally, some parents of younger children are not comfortable with their children using public transportation until they are older. Added benefits will be less congestion around the schools during drop-off and pick-up times and a reduction in vehicle emissions.

The service will operate on an on-call¹, door-to-door basis. Two SUVs with seating capacity of up to eight passengers will be utilized initially. Only children at least six years old will be transported.

Applicants indicate they have the knowledge and ability to conduct the service. They are parents who for nine years have been transporting their own two children and the children's friends to school and after-school activities. Additionally, Sally Williams has eight years' experience volunteering in the Menlo Park City School District and for a short time in the past operated a daycare program. She and Mark Williams have extensive small business experience, including the development and management of two successful companies from start-up through maturation. Mark Williams also has worked as

¹ While the application caption refers to "scheduled service," the service described in the application is closer to an on-call service. Applicants confirmed in their July 1, 2009, letter that the service should be characterized as on-call.

a limousine driver. Attached to the application as Exhibit E is Applicants' unaudited balance sheet that discloses assets of \$1,158,550, liabilities of \$941,000, and net worth of \$217,550.

The proposed one-way fares average \$13. Discounted weekly fares will be available. Applicants request authority to establish a ZORF of \$10 above and below the proposed fares. The minimum fare will be \$8. While public transit and taxicabs are available in the service area, the principal competition for this type of service is the private automobile. If Applicants price their service too high, parents will likely transport their children themselves or seek other arrangements, such as carpooling. This should serve to keep Applicants' fares at a reasonable level under the ZORF.

Decision (D.) 97-07-063 in Rulemaking 95-08-002 adopted rules applicable to carriers primarily engaged in the transportation of unaccompanied children² under the age of 18 years in vehicles that accommodate not more than ten persons. 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 that apply to all PSCs.

In accordance with the requirements of Appendix A of D.97-07-063, Applicants had their names entered into the TrustLine Registry.³ Under our

² The term "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.

³ The TrustLine Registry is a screening program of caregivers administered by the state Department of Social Services and the nonprofit California Child Care Resource and Referral Network. Caregivers registered with the TrustLine have been fingerprinted and have cleared a criminal background check by the state Department of Justice.

rules, any future drivers or personnel coming into physical contact with infant and children passengers will also have to be registered with the TrustLine. Records of the Department of Motor Vehicles show that Applicants hold valid driver's licenses.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 1, 2009. Applicants notified the involved cities and the San Mateo County Transit District. Additionally, in compliance with Ordering Paragraphs 7 and 8 of D.97-07-063, Applicant sent a notice of the application to the San Mateo County Department of Health and the Menlo Park City School District, and had a notice published in *The Almanac*, a California newspaper of general circulation in the communities Applicants propose to serve.

In Resolution ALJ 176-3235 dated June 4, 2009, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3235.

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

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The application requests authority to operate as an on-call PSC to transport children between points in the Cities of Atherton, Menlo Park, Palo Alto, and Redwood City.
2. Public convenience and necessity requires the proposed service.

3. The rules and regulations for the transportation of children contained in Appendix A of D.97-07-063 are applicable to the service involved in this application.

4. Applicants have complied with the notice requirements prescribed in Ordering Paragraphs 7 and 8 of D.97-07-063.

5. Applicants are registered in the TrustLine Registry.

6. Applicants request authority to establish a ZORF of \$10 above and below any of the proposed fares. The minimum fare will be \$8.

7. Applicants will compete with taxicabs, public transit, and private automobiles in their service area. The ZORF is fair and reasonable.

8. No protest to the application has been filed.

9. A public hearing is not necessary.

10. 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 has been demonstrated and the application should be granted.

2. Applicants should be required to comply with the rules and regulations contained in Appendix A of D.97-07-063, in addition to any other requirements applicable to all PSCs.

3. The request for a ZORF should be granted.

4. Before Applicants change any fares under the ZORF authorized below, Applicants should give this Commission at least 10 days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

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

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPCN) is granted to Mark Samuel Williams and Sally Wood Williams (Applicants), husband and wife, authorizing them to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, 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 routes set forth in Appendix PSC-25142, 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 decision is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. They shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- 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. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.

- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Vehicle Code § 1808.1.
- i. Comply with the "Adopted Rules for Infant and Children Common Carriers" contained in Appendix A of Decision 97-07-063.

3. Applicants are authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$10 above and below any of the proposed fares. The minimum fare will be \$8.

4. Applicants shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Applicants may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Applicants shall post notices explaining fare changes in their terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least thirty days.

7. Applicants are authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicants that their 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 Applicants' vehicles for service.

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

9. The CPCN to operate as PSC-25142, granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated August 20, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-25142

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.

♦Each vehicle shall contain this identifying symbol on its front and rear bumpers,
visible at a minimum of 100 feet in accordance with the rules contained in Appendix A
of Decision 97-07-063.

I N D E X

	Page
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2, 3
SECTION II. SERVICE AREA	4
SECTION III. ROUTE DESCRIPTION	4

♦Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

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

Mark Samuel Williams and Sally Wood Williams, husband and wife, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, are authorized to operate as an on-call, door-to-door passenger stage corporation specializing in the transportation of children between the points described in Section II, over the routes 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. Unaccompanied children under 18 years of age and their baggage may be transported, 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. If the adult supervisor is affiliated with the carrier, that person shall have been approved in writing by the parent or guardian
- B. Adults affiliated with children passengers may be transported when the transportation is incidental to the transportation of a child. This includes adults being carried directly to pick up a child to be transported, or directly to return from accompanying a child.

♦Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS (concluded).

- D. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- E. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. 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.
- F. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

♦Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

SECTION II. SERVICE AREA.

Points in the Cities of Atherton, Menlo Park, Palo Alto,
and Redwood City.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point described in Section II,
then over the most convenient streets and highways to
any other point described in Section II.

♦Each vehicle shall contain this identifying symbol on its front and rear bumpers,
visible at a minimum of 100 feet in accordance with the rules contained in Appendix A
of Decision 97-07-063.