

ORIGINALDecision No. 52956

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Norman W. Holmes, an individual
 doing business under the name of
 MAYFAIR BUS LINES, for a Certifi-
 cate of Public Convenience and
 Necessity to operate a limousine
 service between San Jose and
 San Francisco International Airport,
 for the transportation of passengers
 and express.

Application No. 37555

Norman W. Holmes in propria persona.
Frank J. Needles for the City of San Francisco,
 protestant.
James M. Nissen and Harry Kevorkian for the City
 of San Jose, protestants.
Gerald O'Connor for Barrett Garages, Inc.,
 protestant.

O P I N I O N

Norman W. Holmes is presently engaged as a passenger stage corporation in and near the City of San Jose under authority of this Commission.^{1/} By the present application filed December 6, 1955, as amended February 24, 1956, applicant requests authority to establish and operate an automotive service for the transportation of passengers and express between San Jose and the San Francisco International Airport, serving no intermediate points.

The City and County of San Francisco through its Public Utilities Commission protested the granting of operative rights to applicant without requiring him to obtain a permit or license from that protestant before discharging or loading passengers at the new Airport Terminal Building. The City of San Jose protested the

^{1/} Decision No. 48750 dated June 23, 1953, in Application No. 34226.

application asserting that persons using ground transportation would take business away from the air carrier operating from its Municipal Airport where large sums of money have been expended in construction and development. Southwest Airways Company, the air carrier involved, also protested the application.

Public hearing was held in San Jose before Examiner Rowe, on March 8, 1956 at which time oral and documentary evidence was adduced, and the matter duly submitted for decision.

At the hearing Barrett Garages, Inc., appeared as protestant asserting that a contract it had with the City of San Francisco gives it the exclusive right to furnish ground transportation service to and from the San Francisco International Airport. This protestant presently operates between said airport and San Francisco and between said airport and Palo Alto serving intermediate points. It does not, however, operate any service between the airport and San Jose.

Counsel for the City of San Francisco announced that applicant had applied for a permit to operate to the airport terminal. According to the evidence, the local service rendered by Southwest Airways Company between San Jose and San Francisco International Airport does not satisfactorily meet the needs of the public because its six flights are not properly coordinated with transcontinental flights and flights to coast cities and other points not on its lines. Arrivals from such points as Los Angeles

or Bakersfield on occasion are delayed so that local passengers from San Jose cannot be assured of exact time of arrival at the San Francisco airport. No showing was made by Pacific Greyhound Lines, but according to the testimony of applicant and a representative of a local travel agency such service is not designed for this purpose.

According to the testimony of record there exists a public need for the service proposed. The use of a station wagon operated between the Hotel Sainte Claire in San Jose and the Terminal Building at the airport may not be the ultimate in ground transportation, but until a luxury service is offered either by this applicant or proposed by some company adequately financed and experienced, the public should have available the service now proposed. If such luxury service should in the future be proposed, the authorization given to this applicant would not prevent its being authorized unless applicant Holmes were in a position to and did then render such luxury service.

Applicant has satisfied the Commission that he has the experience and financial resources to render this service by the use of one station wagon and the use of one of his small buses held in reserve to handle unusual situations. The expert witness who testified as to the costs of operating as protestant Barrett Garages, Inc., now does to the points it serves, conceded that

applicant's cost estimates were not substantially inaccurate. We will grant to applicant a certificate of public convenience and necessity to operate over the public highways between San Jose and the San Francisco International Airport, but we will not undertake to prescribe the route to be followed by applicant within the airport property. The status of the roads or highways within the airport property is in dispute, and a proceeding is now pending before the Supreme Court of the State of California, decision in which may determine the status of roads or highways within airport property owned and operated by a municipality of this State.^{2/} There has been no evidence offered to this Commission in the instant matter upon which this Commission can make a final determination as to the status of the roads or highways within the airport property owned and operated by the City and County of San Francisco. Under this situation, we can only suggest that the matter of routing of applicant's operations within the airport property be negotiated between applicant and the City and County of San Francisco. In the event satisfactory arrangements cannot be negotiated, applicant may request that this proceeding be reopened for further hearing, at which time this Commission will determine whether the facts warrant its prescription of a definitive route to be followed by applicant within said airport property.

O R D E R

Application therefor having been filed, public hearing having been held and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Norman W. Holmes authorizing the establishment and operation of service as a passenger stage corporation, as that term

^{2/} City of Oakland vs. Burns, S.F. No. 19137

W. Mitchell

is defined in Section 226 of the Public Utilities Code, for the transportation of passengers and express in packages not exceeding 100 pounds in weight between the City of San Jose and the San Francisco International Airport serving no intermediate points.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective schedules and tariffs satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Norman W. Holmes shall conduct said passenger stage operation over and along the following described route:
 1. Between the Hotel Sainte Claire in San Jose and the San Francisco International Airport over and along Market Street, Bassett Street, First Street to U.S. Bypass 101 (Bayshore Highway), or over any other public streets in the City of San Jose as required by local traffic regulation, thence over and along U.S. Bypass 101 to said San Francisco International Airport.
 2. Applicant is authorized to turn his vehicles at termini or enroute either in the intersections of streets or by operating around a block contiguous to street intersections provided local traffic regulations are observed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of April, 1956.

W. E. Mitchell
 _____ President
Justin J. Cannon

James J. [unclear]

[unclear]

[unclear]

 Commissioners