

ORIGINAL

Decision No. 77016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of KENNETH B. JACKSON for certifi-
cate of public convenience and
necessity to operate passenger
stage service between the cities
of Fairfield, Vallejo, Crockett,
Pinole, San Pablo, Richmond, El
Cerrito, Emeryville, Concord,
Walnut Creek, Pleasant Hill,
Berkeley, and Oakland on the one
hand, and the Maintenance Base
located at International Airport,
San Francisco on the other hand.

Application No. 51279
(Filed July 29, 1969;
Amended November 12, 1969)

Kenneth B. Jackson, for Bay View Charter,
applicant.

Keith L. Grimm, for North Bay Charter Service,
protestant.

Donald R. Chew, for the Commission staff.

O P I N I O N

The application of Kenneth B. Jackson, doing business as Bay View Charter, requests a certificate of public convenience and necessity to establish and operate a passenger stage service for the transportation of passengers between the cities of Fairfield, Vallejo, Crockett, Pinole, San Pablo, El Cerrito, Emeryville, Concord, Richmond, Walnut Creek, Pleasant Hill, Berkeley, and Oakland, on the one hand, and the United Air Lines Maintenance Base at International Airport, San Francisco, on the other hand.

Public hearing was held before Examiner Porter at San Francisco on January 19, 1970 and submitted subject to the filing of a late exhibit which now has been filed. The matter is ready for decision.

The evidence shows that the purpose of this application is to transport passengers from the points listed to the United Air Lines Maintenance Base, San Francisco International Airport.

The protestant was concerned with applicant's compliance with California Highway Patrol inspections and regulations with which the applicant agreed to comply.

Applicant has complied with Public Utilities Commission insurance requirements.

Based upon the evidence, the allegations and exhibits in the verified application, the Commission finds that public convenience and necessity require that the application be granted as set forth in the ensuing order.

The Commission concludes that the application should be granted.

Applicant is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Kenneth B. Jackson authorizing him to operate as a

passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-C.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.
- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the

Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 31st day of MARCH, 1970.

William Synovis J.
President

[Signature]

[Signature]

[Signature]

Yeman L. Sturgeon
Commissioners

JR

APPENDIX A

KENNETH B. JACKSON
dba
BAY VIEW CHARTER

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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

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

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 No. 77016,
dated March 31, 1970, of the Public Utilities
Commission of the State of California, on Application No. 51279.

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

Kenneth B. Jackson, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers on passenger-carrying vehicles between the United Air Lines Maintenance Base at or near the San Francisco International Airport, on the one hand, and the Cities of Fairfield, Vallejo, Crockett, Pinole, San Pablo, Richmond, El Cerrito, Berkeley, Emeryville, Concord, Pleasant Hill, Walnut Creek and Oakland, on the other hand, over the routes hereinafter described, subject to the following provisions:

- (a) No passengers shall be transported except employees of United Air Lines having point of origin or destination at said United Air Lines Maintenance Base.
- (b) Service shall be operated only at times necessary to meet employee shift needs on regular working days.
- (c) There shall be no Saturday or Sunday service.

Issued by California Public Utilities Commission.

Decision No. 77016, Application No. 51279.

SECTION 2. ROUTE DESCRIPTIONS.

Fairfield-Vallejo Route:

Commencing in the City of Fairfield, thence via U.S. Highway 80, with stops adjacent to said Highway 80 to discharge or pick up passengers at Vallejo, Crockett, Pinole, San Pablo, Richmond, El Cerrito, Berkeley and Emeryville, thence via San Francisco-Oakland Bay Bridge and U.S. Highway 101 to the United Air Lines Maintenance Base near the San Francisco International Airport; returning by reverse of route.

Concord-Walnut Creek Route:

Commencing at the intersection of Contra Costa Boulevard and Monument Boulevard; thence via State Highway 24 to Walnut Creek; thence continuing on Highway 24, Caldecott Tunnel, Landvale-Tunnel Road and Ashby Avenue to Berkeley; thence via Telegraph Avenue to Oakland; thence via MacArthur Boulevard, with stops adjacent or along said route to discharge or pick up passengers; thence via San Francisco-Oakland Bay Bridge and Highway 101 to the United Air Lines Maintenance Base near the San Francisco International Airport; returning by reverse of route.

Issued by California Public Utilities Commission.

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