

Decision No. 78525

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MARIN COUNTY TRANSIT SYSTEMS, INC.,)
 a Corporation, to Transfer to)
 BERKELEY CHARTER LINES, INC., a)
 Corporation, a Certificate of Public)
 Convenience and Necessity to Operate)
 as a Passenger Stage Carrier.)

Application No. 52508
 (Filed March 18, 1971)

O P I N I O N

Marin County Transit Systems, Inc. (MCTS), presently rendering a passenger stage service in Marin County, requests authority to transfer its operating authority to Berkeley Charter Lines, Inc., a wholly owned subsidiary, for a consideration of \$1.00. Upon approval of the transfer Berkeley Charter Lines, Inc. (Berkeley) requests authority to suspend operations over Routes 1, 2, 3 and 5 until December 11, 1971, or until such time as, upon 30 days' notice, it requests removal of the suspension. Service over Routes 1, 2, 3 and 5 will be provided by the Golden Gate Bridge, Highway and Transportation District until December 11, 1971. As of February 28, 1971, Berkeley indicated a net worth in the amount of \$27,040.

After consideration the Commission finds that the proposed transfer and suspension of service would not be adverse to the public interest. A public hearing is not necessary.

Berkeley Charter Lines, Inc. 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. On or before December 1, 1971, Marin County Transit Systems, Inc. may sell and transfer, and Berkeley Charter Lines, Inc. may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.
3. Purchaser shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff and timetable filings shall be made effective not earlier than two days after the effective date of this order on not less than two days' notice

to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with and observe the provisions of General Orders Nos. 79 and 98-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Berkeley Charter Lines, Inc. authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 76533, dated December 9, 1969, in Application No. 51483, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.


7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it 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.

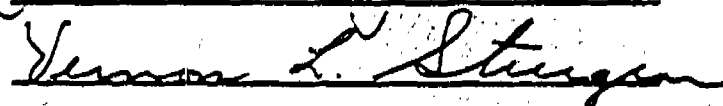
8. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. Berkeley Charter Lines, Inc. is authorized to suspend service over Routes 1, 2, 3 and 5 until December 11, 1971, or until such time as, upon thirty days' notice, Berkeley Charter Lines, Inc. requests removal of the suspension. The tariffs of Berkeley Charter Lines, Inc. shall show that the service is under suspension pursuant to this authorization.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd day of APRIL, 1971.



Chairman


Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding. Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

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. 78525, dated April 2, 1971, of the Public Utilities Commission of the State of California, on Application No. 52508.

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

Berkeley Charter Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers in passenger-carrying vehicles between the Tiburon Ferry Terminal, on the one hand, and points in the Tiburon-Belvedere Peninsula and Mill Valley, on the other hand, over routes hereinafter described, subject to the following provisions:

- (a) Passengers living in Tiburon, Belvedere and Mill Valley will be transported to and from the Tiburon Ferry Terminal during the morning and evening rush hours. (Routes 1, 2, 3 and 5)
- (b) A mid-day shopper shuttle service will be initiated between points on the Tiburon-Belvedere Peninsula. (Route 4)
- (c) Service provided in urban communities to be in conformance with local applicable regulations in regard to the flow of traffic.

SECTION 2. ROUTE DESCRIPTION.

ROUTE 1. MILL VALLEY-TRESTLE GLEN-TIBURON FERRY TERMINAL

Commencing at Almonte and Miller Avenues in Mill Valley along Miller Avenue to Blithedale Avenue. Continue along Blithedale Avenue, East Blithedale Avenue and Tiburon Boulevard to Trestle Glen, Trestle Glen to Paradise Drive and return to Tiburon Boulevard, then Tiburon Boulevard to Tiburon Ferry Terminal.

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ROUTE 2. STRAWBERRY POINT AREA-CAYFORD AVENUE APARTMENT COMPLEX-
BELVEDERE-TIBURON FERRY TERMINAL

Commencing at Knoll Lane and Reed Boulevard in the Strawberry Point area, along Reed Boulevard to Ricardo Road, Ricardo Road to Meda, Meda to Richardson, Richardson to Tiburon Boulevard, along Tiburon Boulevard to Cayford Avenue (Circle apartment complex) and return to Tiburon Boulevard to San Rafael Avenue, along San Rafael Avenue to Tiburon Ferry Terminal.

ROUTE 3. PARADISE DRIVE-TIBURON FERRY TERMINAL

Commencing at Tiburon Ferry Terminal, to Solano via Paradise Drive, Solano to Centro East to Paradise Drive, to Mar East, and return to Tiburon Ferry Terminal via Mar East and Paradise Drive.

ROUTE 4. MILL VALLEY-STRAWBERRY-TIBURON SHOPPER SHUTTLE

Commencing at the Tiburon Ferry Terminal to Tiburon Boulevard via Main, Beach Road, and San Rafael Avenue, then to Marinero Circle, Tiburon Boulevard to Reed Ranch Road, Reed Ranch Road to Via Capistrano, to Blackfield Drive, across Tiburon Boulevard along Richardson Road to Meda, along Meda to Ricardo, Ricardo to Reed Ranch Road, Reed Ranch Road to the Strawberry Shopping Center, to Mill Valley via East Blithedale, along Miller Avenue to Shoreline Highway, Shoreline Highway to Northern Avenue, Northern Avenue to Marin, and Marin and Flamingo back to Miller Avenue.

ROUTE 5. STRAWBERRY-TIBURON-TIBURON FERRY TERMINAL
COMMUTE SERVICE

Commencing at Tiburon Boulevard and Blackfield Drive, to Reed Ranch Road via Via Capistrano, Reed Ranch Road to Tiburon Boulevard, Tiburon Boulevard to Stewart Drive, to Geldert, Geldert to Hilary Drive, Hilary Drive to Rock Hill, Rock Hill to Tiburon Boulevard, Tiburon Boulevard to Marinero Circle, then to Tiburon Ferry Terminal.

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