

Decision No. 80615

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Berkeley Charter Lines, Inc. for an extension of its certificate of public convenience and necessity to operate a passenger stage corporation between San Anselmo, San Rafael, on the one hand, and Richmond, Berkeley and Oakland, on the other hand.

Application No. 52858
(Filed September 10, 1971)

In the Matter of the Application of Stephen D. Hooper, dba The Tamalpais Stage Company, for certificate of public convenience and necessity to operate passenger, baggage and express service between San Rafael, California, and Richmond, California.

Application No. 53103
(Filed January 18, 1972)

Stephen D. Hooper, for himself, and David W. McGreevy, for Stephen D. Hooper, applicant.
Cecil J. Allen, for San Rafael Bus Line, protestant.
Hanson, Bridgett, Marcus & Jenkins, by David J. Miller, Attorney at Law, for Golden Gate Bridge; Robert N. Nisbet, Attorney at Law, for Alameda-Contra Costa Transit District; Paul N. Bay, for Metropolitan Transportation Commission; interested parties.
Sean A. Mahon, for the Commission staff.

O P I N I O N

The above-entitled matters were consolidated for hearing. Public hearing was held before Examiner Porter on April 18, 1972, at San Francisco and the matters submitted. By letter received by the Commission on April 14, 1972, Berkeley Charter Lines, Inc. requested dismissal of its application.

Stephen D. Hooper, requests a certificate of public convenience and necessity to establish and operate service for the transportation of passengers, baggage and express between San Rafael and Richmond.

Stephen D. Hooper testified that if this application were granted, he would utilize a 1972 11-passenger Dodge Van, for the purpose of transporting employees of Standard Oil who live in San Rafael to Richmond. Domestic workers residing in Richmond will be transported to San Rafael and return. His personal finances are such that he could operate for 6 months at a loss.

Exhibit E attached to the application shows total assets of \$13,600 as of January 18, 1972.

The Cities of San Rafael and Richmond lie across San Francisco Bay from each other, connected by the San Rafael-Richmond Bridge. The bridge forms a link to the northern part of the Bay Area serving the cities of the East Bay and the communities of northern Marin and Sonoma Counties. San Rafael Bus Lines, which for the past 20 years provided public transportation over the bridge, has not performed any service for the past six months. There is not only the desire but the necessity for the resumption and future increase of transbay service. Because of the great need to clean up our polluted air, residents are anxious to leave their autos at home and commute by common carrier. The vehicles used in this service must be clean and comfortable for the passengers who must make these daily trips. This service would entice them to leave their autos at home. The industries of the East Bay employ many residents of Marin County. The same is true of many workers who work in Marin and Sonoma Counties but live in the Richmond area.

The protestant was San Rafael Bus Lines, whose concern was that it was not being bought out.

Based on the evidence, the Commission finds that:

1. Applicant has the financial ability to render the proposed service.
2. There is no existing passenger stage corporation presently serving the sought territory which is providing service to the satisfaction of the Commission.
3. Public convenience and necessity require the operations prayed for.

The Commission concludes that the application of Stephen D. Hooper be granted and that the application of Berkeley Charter Lines, Inc. be dismissed.

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.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Application No. 52858 by Berkeley Charter Lines, Inc. is dismissed.
2. A certificate of public convenience and necessity is granted to Stephen D. Hooper, doing business as The Tamalpais Stage Company, 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.
3. 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 Los Angeles, California, this 17th
day of OCTOBER, 1972.

Vernon L. Sturgeon
President
William J. ...
...
...
Commissioners

Stephen D. Hooper
dba
THE TAMALPAIS STAGE CO.

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.

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

Stephen D. Hooper, by the certificate of public convenience and necessity, is authorized to transport passengers, baggage, and express between the City of San Rafael, California, and the City of Richmond, California, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.
- (d) No service on Sunday.

Issued by California Public Utilities Commission.

Decision No. 80615, Application No. 53103.

SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1 San Rafael-Richmond Route

Commencing at the intersection of Third Street and Tamalpais Avenue, in the City of San Rafael; thence along Third Street to Lincoln Avenue, Second Street, Grand Avenue, Francisco Boulevard, Richmond-San Rafael Bridge, Standard Avenue, Garrara Boulevard and MacDonald Avenue to its intersection with 23rd Street in the City of Richmond.