

Decision No. 80980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 FRANCISCAN LINES, INC., a California  
 corporation, for a Certificate of  
 Public Convenience and Necessity to  
 operate as a passenger stage corporation.

Application No. 53303  
 (Filed May 1, 1972)

Silver and Rosen, by Michael J. Stecher, and  
Arthur W. Ruthenbeck, Attorneys at Law, for applicant.  
Stephen B. Ringwood, Attorney at Law, for Greyhound  
 Lines, West; Eleanor Rosenthal, Attorney at Law,  
 for San Francisco Bay Area Rapid Transit District;  
E. Sam Davis, for AC Transit; and Walter Stoll, for  
 the Metropolitan Transportation Commission; interested  
 parties.

Tack S. Joe and R. E. Douglas, for the Commission staff.

**O P I N I O N**

Applicant is a charter-party carrier of passengers authorized to operate in California under certificate No. TCP-149A. It has applied herein for authorization to establish and operate a passenger commute service as a passenger stage corporation on Monday through Friday, holidays excepted, between Livermore, Pleasanton, and Dublin, on the one hand, and Oakland and San Francisco, on the other hand. The morning route will be a closed-door service from Dublin to Oakland, with passengers being accepted only in Livermore, Pleasanton, and Dublin to travel to either Oakland or San Francisco. In the evening, passengers will be accepted only in San Francisco and Oakland for commutation only to Dublin, Pleasanton, and Livermore. Two morning schedules and two evening schedules are proposed; the first bus will leave Livermore at 6:28 a.m. and the second and last schedule at 6:53 a.m. Several stops will be made in Oakland and seven in San Francisco. The first schedule will finish its run at 8:00 a.m. and the second schedule about

thirty minutes later. The first evening bus will leave Bush and Stockton Streets in San Francisco at 4:28 p.m.; the second and last evening bus will leave Van Ness and Hayes Street in San Francisco at 4:50 p.m. A twenty-ride, no-time-limit ticket from Livermore, Pleasanton, and Dublin, to Oakland and return will be sold for \$19. The San Francisco ticket will sell for \$22.50. Applicant's operating equipment includes ten G.M.C. buses with varying capacities of 38 to 49 passengers. Applicant's balance sheet dated August 31, 1972 shows total assets of \$207,055.64, current liabilities of \$73,620.23, and a net worth of \$87,387.77. Net income for the five months ended August 31, 1972 is given as \$24,313.88 out of a total charter revenue of \$230,042.13.

Protests were filed and a hearing was held on October 4, 1972 in San Francisco before Examiner Fraser. It was stipulated that applicant's certificate could be canceled if either AC Transit or the Bay Area Rapid Transit System instituted service from Livermore, Pleasanton, and Dublin, to Oakland and San Francisco. The protestants thereupon withdrew their protests and became interested parties. The vice-president of applicant testified briefly along with a resident of Pleasanton. The former advised of routes, schedules, fares, equipment, method of operation, and financial stability. The latter testified that Greyhound Lines provides the only passenger bus service out of Pleasanton, with early morning schedules leaving at 6:00 a.m. and 8:00 a.m. He further testified that these schedules are not convenient for him since his office in San Francisco does not open until 8:00 a.m. He testified that he drives to work every day and parks his car until ready to return. This is expensive and inefficient; he and many who work with him would appreciate the service proposed by the applicant and would use it. The file includes twenty letters from residents of Pleasanton and Livermore in support of the application and resolutions from both cities named express a need for the passenger service proposed.

Upon consideration of applicant's showing in this matter, the Commission finds that:

1. Existing passenger stage service for the transportation of the public leaving Pleasanton at 6:00 or 8:00 a.m. and San Francisco at 5:00 or 8:00 p.m. does not accommodate commuters traveling in either direction.

2. A service is needed by those members of the public who reside in Livermore, Pleasanton, or Dublin and start work in Oakland or San Francisco between 8:00 to 9:00 a.m. and leave work between 4:00 and 5:00 p.m.

3. The proposed service described herein is scheduled to satisfy the stated public need.

4. Applicant possesses the ability, experience, equipment, and financial resources needed to perform the aforesaid service.

5. Public convenience and necessity require that the service proposed by applicant be established.

The Commission concludes that the proposed service should be authorized.

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.

#### ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Franciscan Lines, Inc., a corporation, 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 B attached hereto and made a part hereof.



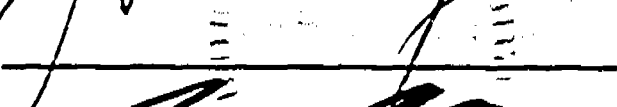


2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (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 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.
- (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 ten days after the effective date of this order on not less than ten 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 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.

3. This certificate may be canceled on motion of any party herein, after either the Alameda-Contra Costa County Transit District or the Bay Area Rapid Transit District extends bus or rail passenger service to Dublin, Pleasanton, and Livermore.

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

Dated at San Francisco, California, this 23rd day of JANUARY, 1973.

  
President  
  
  
  
  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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

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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. 80980,  
dated JANUARY 25, 1973, of the Public Utilities Commission  
of the State of California, on Application No. 53303.

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<u>Route</u>	<u>Route Name</u>
1	Livermore, Pleasanton, and Dublin to Oakland and San Francisco

Issued by California Public Utilities Commission.

Decision No. 80980, Application No. 53303.

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

Franciscan Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers from Livermore, Pleasanton, and Dublin to Oakland and San Francisco and return 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 operation in either direction or in the case of one-way streets on an adjacent one-way street in the opposite direction unless otherwise indicated.
- (c) All service herein shall be limited to the transportation of passengers using twenty-ride tickets only.
- (d) Applicant shall not pick up or discharge passengers except within the limits of the specified service areas as hereinafter set forth.
- (e) Authority to conduct operations on Route 1 may be canceled on motion of Greyhound Lines-West, the Bay Area Rapid Transit District, Alameda-Contra Costa Transit District or the Metropolitan Transportation Commission, after either Alameda-Contra Costa Transit District or the Bay Area Rapid Transit District extends bus or rail passenger service to Dublin, Pleasanton, and Livermore from both Oakland and San Francisco.

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## SECTION 2. ROUTE DESCRIPTIONS

Route No. 1

From the City of Livermore over appropriate streets to Pleasanton via Stanley Boulevard.

Thence, through the City of Pleasanton over appropriate streets to Dublin via Hopyard Road.

Thence, through the City of Dublin over appropriate streets to Interstate 580.

Thence, along Interstate 580 to the Grand Avenue exit in Oakland. Thence, along Grand Avenue to Lakeside Drive, along Lakeside Drive to 20th Street, along 20th Street to Franklin Street, along Franklin Street to Broadway, along Broadway to West Grand Avenue, and along West Grand Avenue to Interstate 80.

Thence, along Interstate 80 across the Bay Bridge to the Fremont Street exit in San Francisco.

Thence, along Fremont Street to Market Street, across Market Street to Front Street, along Front Street to Pine Street, along Pine Street to Van Ness Avenue, along Van Ness Avenue to Golden Gate Avenue, along Golden Gate Avenue to Polk Street, along Polk Street to Hayes Street, along Fell Street to Van Ness Avenue, along Van Ness Avenue to Market Street.

Authority is limited to the transportation of traffic which has point of origin or destination within the cities of Livermore, Pleasanton, or Dublin on the one hand, and Oakland or San Francisco on the other hand.