

Decision No. 81509**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 BENICIA STAGE LINES )  
 For Certificate of Public Convenience and )  
 Necessity to operate Passenger and )  
 Express Service Between Benicia and )  
 Vallejo. )

Application No. 54074  
 (Filed May 31, 1973)

O P I N I O N

James Flannery, dba Benicia Stage Lines, seeks authority to establish and operate a bus service for the transportation of passengers between Benicia and Vallejo, and between these cities and various intermediate points.

The following conditions exist which are relied upon by the applicant for the granting of a certificate of public convenience and necessity:

a) That there is no other transportation currently being operated within the City of Benicia (other than taxi service) or between Benicia and Vallejo. The proposed operation may affect the service areas of the Vallejo Transit Lines being operated within the City of Vallejo. However, it is understood that applicant and Vallejo Transit Lines are in agreement on the matter.

b) That the formation of this company and application for this service is the result of numerous requests from citizens of Benicia, from the Benicia Chamber of Commerce, from the Benicia Community Volunteer Service, from the City Council of the City of Vallejo, from the City Council of the City of Benicia, and from numerous individuals that this service be instituted.

c) That there is no public transportation (other than taxi service) to enable Benicia residents to go to and from any of the three hospitals in Vallejo for medical treatment.

The bus service will be provided with the equipment described in Exhibit "D" attached to the application.

There were no protests.

The Mayor and the City Council of Benicia by letter dated June 6, 1973 requested an expeditious approval of Application No. 54074 in order to meet an urgent transportation need for the elderly and low-income residents of Benicia.

After consideration the Commission finds that public convenience and necessity require that the application be granted as set forth in the ensuing order. The Commission further finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. Public hearing is not necessary.

James Flannery, dba Benicia Stage Lines, is 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. 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 James Flannery, dba Benicia Stage Lines, 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 set forth in Appendix A, attached hereto and made a part hereof.
2. In providing service pursuant to the authority granted by

this order, applicant shall comply with the following service regulations. Failure to do so may result in the cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 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 establishment of the authorized service.
- (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-Series and 98-Series.
- (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.

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

Dated at San Francisco, California, this 19<sup>th</sup>  
day of JUNE, 1973.

Norman L. Sturgeon  
President  
William J. Vukasin, Jr.  
[Signature]  
[Signature]  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

JAMES FLANNERY  
Doing Business As  
BENICIA STAGE LINES

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.

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Doing Business As  
BENICIA STAGE LINESSECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

James Flannery, dba Benicia Stage Lines, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between Benicia and Vallejo and intermediate points and certain territories intermediate and adjacent thereto, 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 unless otherwise indicated.
- (c) The transportation of hand-carried baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers.

## SECTION 2 ROUTE DESCRIPTIONS.

All trips between Benicia and Vallejo will follow a route that starts at Solano Square Shopping Center in Benicia; from Solano Square proceed south on First Street, to West "J" Street, turn west on West "J" Street onto West Second Street, then to West Fourth Street, proceed west on West "J" Street to West Seventh Street, turn north on West Seventh Street, proceed to Southampton Recreational Hall, return south on West Seventh Street to West "K" Street, turn west on West "K" Street to West Eighth Street, proceed to West Ninth Street, proceed to West Thirteenth Street, proceed to West "K" Street, to Highway 680 to Vallejo, turn right on Columbus Parkway, proceed to Benicia Road, turn left on Benicia Road, proceed to Main Street, turn left on Main Street to Alameda Street, turn right on Alameda Street to York Street, turn south on York Street to Sonoma Boulevard, proceed south on York Street, to Main Street, turn right on Marin Street, to Georgia Street, proceed onto Virginia Street, turn right on Virginia Street, proceed to Sonoma Boulevard, turn left on Sonoma Boulevard, proceed to Redwood Street, turn right on Broadway and proceed to Oregon Street, proceed to Broadway Street, turn on Broadway and proceed to Oregon Street, return to Broadway, proceed to Sereno Drive, turn east on Sereno Drive, proceed to Tuolumne Street, turn left on Tuolumne Street, proceed to Hospital Drive and return to Benicia via Redwood Street to Highway 80 to Highway 680.

The preceding route applies to all but one of the scheduled trips. In addition, one trip will follow a route that is the reverse of the above route at the various stops in Vallejo and, then, return to Benicia.