

Decision No. 82046**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EMPLOYEE SHUTTLE SERVICE, INC., a)
California corporation, for Certifi-)
cate of Public Convenience and)
Necessity to operate a passenger)
service between the Counties of)
Orange, Ventura and Los Angeles to)
employment facilities located in)
Los Angeles County.)

Application No. 54000
(Filed April 30, 1973;
amended July 6 and 10, 1973)

O P I N I O N

By this application, as amended, applicant requests a certificate of public convenience and necessity authorizing it to operate as a passenger stage corporation between an area in the Simi Valley in Ventura County and an area in Orange County, as described in the first amendment to the application, on the one hand, and parking facilities for airline employees along World Way West at Los Angeles International Airport, on the other hand. The service would be a home-to-work-and-return commute service and would be restricted to persons employed by Continental Airlines, Trans World Airlines, Inc., American Airlines, Inc., or Flying Tiger Line, Inc., at the airport.

The application, as amended, states that it is applicant's intent to initially purchase or lease 15-passenger vans and that after operating procedures and demand have been sufficiently tested, to obtain such additional equipment as may be required. By letter dated July 21, 1973, applicant has informed the Commission that it has had a substantial number of requests for the proposed service and that based

on this apparent demand, it now intends to lease 40- to 53-passenger motor coaches which it asserts would be more comfortable for its passengers and more economical to operate on a per passenger basis. According to the application, as amended, applicant has assets of \$1,300 and liabilities of \$300; all of its stock is owned by the president and vice president who are also directors; the respective net worths of the two officers, based on the estimated fair market value of the real estate held by each, are \$23,700 and \$34,842; and they are both employed by an airline at the airport. Applicant proposes the following monthly, round-trip, commute fares, excluding Saturdays, Sundays, and holidays:

<u>Between World Airways West at Los Angeles International Airport and</u>	<u>Proposed Commute Fare</u>
Orange County Area, west of Harbor Boulevard	\$47.50
Orange County Area, east of Harbor Boulevard	52.50
Simi Valley Area in Ventura County	52.50

The application, as amended, states that applicant will transport persons to and from employment shifts beginning in the early morning, late afternoon, and late evening during normal working days; that the time schedules will be determined on a monthly basis to coincide with the needs of the passengers; that passengers will be transported directly between their homes or a point nearby and their places of employment; that no public transportation system now offers a comparable service; that the cost to passengers for the proposed service is less than their cost of commuting individually; and that public convenience and necessity require the proposed service which would reduce the number of vehicles on the highway required to transport the passengers between their homes and job.

Copies of the application and amendments were served on Greyhound Lines-West, Airport Service, Inc., Southern California Rapid Transit District, and other interested parties. They were listed on the Commission's Daily Calendar. Protests to the original application were filed by Greyhound Lines-West and Airport Service, Inc., and the matter was set for public hearing on July 23 and 24, 1973 in Los Angeles. Upon the filing of the amendments, both protests were withdrawn, and a notice was sent to all interested parties on July 13, 1973 informing them that the hearing had been removed from the calendar. By telegram dated July 19, 1973 and subsequent correspondence, the Southern California Rapid Transit District informed the Commission that it protested the sought authority and requested that the matter be again set for public hearing. We do not concur in this request. Applicant proposes a transportation service for a limited class of passengers, who are residents of a portion of Orange County and the Simi Valley Area of Ventura County and employees of the four named airlines, specifically tailored to coincide with their work shift schedules. The competitive threat of this service, if in fact any does exist, to the Transit District is too negligible and remote to be considered.

The Commission finds that:

1. Public convenience and necessity require that the service as described in the application, as amended, be authorized as provided in the order which follows.
2. It is reasonably certain that the project involved in this proceeding will not have a significant effect on the environment.
3. A public hearing is not necessary.

The Commission concludes that the application, as amended, should be granted as provided in the order which follows.

Applicant 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 to Employee Shuttle Service, 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 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 so to do may result in a 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 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 30th
day of OCTOBER, 1973.

William L. Stearns
President
William Lyons - J.

[Signature]
Commissioners

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

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

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Appendix A

EMPLOYEE SHUTTLE SERVICE, INC.

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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. 82046
dated Oct 30, 1973 of the Public Utilities Commission
of the State of California, on Application No. 54000.

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

Employee Shuttle Service, Inc., by the certificate of public convenience and necessity, is authorized to transport passengers between points in Southern California and the Los Angeles International Airport Maintenance Area, World Way West in the South Bay Area, 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) All transportation of passengers shall involve a point in the Simi Valley in Ventura County or the area in Orange County on the routes hereinafter described, on the one hand, and the Los Angeles International Airport Maintenance Area, World Way West in the South Bay Area, on the other hand.
- (d) Transportation is limited to employees of or persons seeking employment by Continental Airlines, Trans World Airlines, Inc., American Airlines, Inc., or Flying Tiger Line, Inc.

Issued by California Public Utilities Commission.

Decision No. 82046, Application No. 54000.

SECTION 2. ROUTE DESCRIPTIONS.

Employee Shuttle Service, Inc. is authorized to conduct passenger stage operations over and along the following described streets and highways:

ROUTE 1: Simi Valley - Los Angeles International Airport

From the area in the Simi Valley (Ventura County) generally bounded by Madera Avenue on the west, Alamo Street on the north, Royal Avenue on the south and Kuehner Drive on the east; thence along Devonshire Avenue to the San Diego Freeway (I-405); thence to Los Angeles International Airport via the Marina Freeway (I-90), Cuiver Boulevard, Pershing Drive and World Way West. Returning by the reverse of this same route.

ROUTE 2: Orange County Area - Los Angeles International Airport

From the area in Orange County specifically in the cities of Garden Grove, Westminster and Huntington Beach, respectively, and bounded on the north by Chapman Avenue, on the east by Euclid Street, on the south by Garfield Avenue and on the west by Bolsa Chica Road and Valley View Street; thence to Los Angeles International Airport via the San Diego Freeway (I-405) and Garden Grove Freeway (I-22), Imperial Highway, Pershing Drive and World Way West. Returning by the reverse of this same route.