

ORIGINAL

Decision No. 82600

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Kem Yim Louie and David Mc Greevy
dba The Traveler's Transit Co. for
a certificate of public convenience
and necessity to operate passenger
and baggage service between the
points of San Rafael, California -
San Quentin, California, and Richmond,
California.

Application No. 54354
(Filed September 28, 1973)

David Mc Greevy and Kem Yim Louie, for themselves,
applicants.
Donald Morgan, for Metropolitan Transportation
Commission, protestant.
H. D. White, for Golden Gate Bridge, Highway
and Transportation District, and Robert E.
Nisbet and Donald S. Larson, for A. C.
Transit, interested parties.
R. E. Douglas, for the Commission staff.

O P I N I O N

Applicants David Mc Greevy and Kem Yim Louie, doing business as The Traveler's Transit Co., with headquarters in San Rafael, request the issuance to them of a certificate of public convenience and necessity to operate as a passenger stage corporation between San Rafael and Richmond via the Richmond-San Rafael Bridge with intermediate service at the California State Prison at San Quentin and the main gate of the Standard Oil Company of California plant at Richmond. The terminal points at each end of the route will be close to the Greyhound Lines' bus terminal at each of those locations. The application was noticed in the Commission's Daily Calendar of October 1, 1973, and copies of the application were duly served on the cities and counties involved as well as on Greyhound Lines and the affected transit districts. Hearing on the application took place at San Rafael on January 10, 1974 before Examiner Pilling.

Undisputed testimony adduced at the hearing showed that there is no passenger stage service via the Richmond-San Rafael Bridge between Richmond and San Rafael, nor is there any passenger stage service to or from San Quentin Prison; the last bus line offering service between those points via the Richmond-San Rafael Bridge ceased operations approximately two years ago. Applicants propose to initiate operations over the requested route with one 13-passenger 1973 Ford Club Wagon assertedly of a type presently being used as school buses and available to applicants for lease on a long-term basis from a local San Rafael automobile agency. This agency has also offered to lease two similar buses to applicants in the event applicants' operations require additional equipment. The agency's repair and maintenance facilities will be used by applicants for repairing and maintaining the leased bus or buses. Applicant Mc Greevy testified that he will do most of the driving of one of the buses and would hire drivers to drive any additional equipment added to the operation. Applicants propose to operate 10 round trips between the terminal cities each operating day. A one-way trip takes approximately 30 minutes. Fares will be \$1 between all points except between San Rafael and San Quentin Prison which will be 50 cents. Applicants initially planned to operate only on week days and Saturdays with no Sunday or holiday service but on further investigation found that there will probably be a great need for service to and from San Quentin Prison on Sundays. Collectively, applicants will devote approximately \$10,000 of their net worth to the operation. Applicant Mc Greevy assertedly gained experience in operating and driving buses while in the travel agency business in Colorado.

A student at the College of Marin testified in support of the application. He stated that he must frequently go to the campus of the University of California at Berkeley to use its library and for other scholastic and interschool purposes; that he is needed once a week by his grandfather and grandmother who live in Berkeley; that he has no personal transportation but must rely on his friends to give him a lift from San Rafael across the bridge where he can obtain public transportation to Berkeley; that many times when he has to go to Berkeley from San Rafael, he has to thumb a ride across the bridge and in doing so he places his personal safety in jeopardy; and that if he takes public transportation interchange service to Berkeley via San Francisco, it takes him about three hours in the round trip and he can ill afford the time away from his school pursuits. He also testified that through his behavioral science course in college and working with prisoner rehabilitation groups he is familiar with the need for making easy the visits to prisoners in San Quentin by members of their families, and that there is a need for passenger stage service to promote those visits.

An employee of a taxicab company at San Rafael testified that taxicab fares from San Rafael to San Quentin Prison presently run around \$3.30 one way and to Richmond \$7.00 one way. He testified that some potential fares to San Quentin Prison turn him down when they learn the price of a ride, and that one relative of an inmate who had come a long way to visit had enough money for a one-way taxi ride but could not afford the return trip fare.

A witness who lives in Terra Linda works at 16th and Telegraph in Oakland testified that he presently commutes between those points in a car pool but that he would use applicant's service in connection with A.C. Transit and BART if applicant's proposed service was available. He testified that he had collected the signatures of 74 persons on a petition who work in the East Bay and who evinced an interest in the use of the proposed service for tie-in

with A.C. Transit in Richmond for service to and from BART in the East Bay. The witness testified that whenever he has to take public transportation from Terra Linda to Oakland it takes him three hours one way. The witness also stated that the proposed service would be most convenient for him and others similarly situated for use in traveling to see sports events at the Oakland Coliseum as the traffic situation at the Coliseum after a game is very bad.

Applicants also presented the names and addresses of 21 other persons who had been contacted and who expressed definite interest in the proposed service.

Protestant Metropolitan Transportation Commission (MTC) was set up by the enactment of Section 66500 et seq. of the Government Code to provide comprehensive regional transportation planning for the city and county of San Francisco and the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. MTC questions the ability of a private operator to render the proposed needed service and at the same time earn adequate profits. The witness for the MTC stated that during the past year MTC has held meetings with Golden Gate Bridge, Highway and Transportation District (Golden Gate) and Alameda-Contra Costa Transit District (A-C) to develop detailed plans for the joint operation of the Richmond-San Rafael bus service by the latter two operating agencies, and that many of the operating issues have been resolved between them. They expect to present operating plans to their respective committees and Boards of Directors in the near future. The witness contends that the transit services being developed by these public agencies will offer more frequent service at lower fares than those proposed by the applicants, and will provide access from Marin County to the East Bay BART system. The witness for MTC requests that if any certificate is issued out of this proceeding that it contain a cancellation and revocation clause terminating the certificate upon the institution of public transit service in the area.

Golden Gate, a public entity organized pursuant to Streets and Highways Code Section 27000 et seq., as amended, appeared as an interested party through its representative and affirmed the testimony of MTC, and like MTC requested the same sort of cancellation and revocation clause be inserted in the requested certificate if a certificate is granted. The witness testified that while Golden Gate is not at present rendering passenger stage service between the involved points, MTC's request to institute such service merits and is receiving current attention by his district, and has been found to be feasible from an operating standpoint. The witness asserted that Golden Gate currently is operating 188 new 40-foot coaches equipped with the latest in modern conveniences and has plans to purchase 62 additional buses. Golden Gate's principal base of operations is located in San Rafael. Golden Gate has gone so far as to contact the California Toll Bridge Authority concerning the matter of fares to be imposed upon coaches crossing the San Rafael-Richmond Bridge, and has received the advice that a reduced 10 cents fare would apply.

Findings

1. Applicants propose to operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code.
2. There is presently no passenger stage operation via the Richmond-San Rafael Bridge between San Rafael and Richmond with intermediate stops at San Quentin Prison and the main gate of the Standard Oil Company of California plant at Richmond.
3. Applicants have access to the use by them under a long-term lease of a 13-passenger stage, as well as two other stages of similar description.
4. Applicants propose to operate ten round trips per day Monday through Saturday and possibly some schedules on Sunday.
5. Applicants will collectively contribute \$10,000 of their net worth to the proposed operation.

6. Ninety-five persons have evinced an interest in the proposed operation by the signing of a petition, or the return of questionnaires favoring the operation and two potential users of the service appeared in support of the application.

7. MTC, Golden Gate, and A-C are public entities formed for the purpose of meeting transit problems within and between their respective spheres, and Golden Gate and/or A-C could perform all of the proposed service if authorized by their respective Boards.

8. Golden Gate and A-C were duly served with a copy of the application which was filed September 29, 1973 but between that date and the date of the hearing January 10, 1974 neither has seen fit to institute service and no definite date was given by them when the service would be instituted.

9. The condition proposed by MTC requiring termination of the certificate upon the institution of public transit service duplicating the service proposed by applicant is unreasonable.

10. Public convenience and necessity require the granting of the application.

11. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Conclusion

Applicants should be issued a certificate to operate as a passenger stage corporation as set out in the ensuing order.

Applicants are 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 Kem Yim Louie and David Mc Greevy, authorizing them 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, applicants 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, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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) Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th day of MARCH, 1974.

Thomas L. Sturgeon
President
William J. Lyons
J. M. Harris
Commissioners

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

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Issued under authority of Decision No. 82600
dated MAR 19 1974 of the Public Utilities Commission
of the State of California, on Application No. 54354.

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	1 San Rafael - Richmond	

SECTION 2. ROUTE DESCRIPTION.

Route No. 1 - San Rafael - Richmond

Beginning at the Greyhound Station at Third Street and Tamalpais Street in the City of San Rafael, thence via Third Street, Lincoln Avenue, Second Street, Grand Avenue, Francisco Boulevard, Bellam Boulevard and Highway 17 to the San Quentin turnoff, East gate of San Quentin. Returning to Highway 17 and crossing the San Rafael-Richmond Bridge, Standard Avenue, Marine Street and thence to the entrance to Standard Oil. Thence via Marine Street, Standard Avenue, Cutting Boulevard and 23rd Street to the Greyhound Station at 23rd Street and Macdonald, the City of Richmond.