

Decision No. 82765

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ROBERT M. MERRIFIELD for certificate
of public convenience and necessity
to operate passenger and express
property service between San Francisco
Peninsula and East Bay Area and points
south and the Big Sur Area (Big Sur
Area denoting a forty-mile section of
State Highway 1 south of Carmel,
California, and north of and including
Esalen Institute).

Application No. 54551
(Filed January 4, 1974;
amended January 10, 1974)

O P I N I O N

Applicant Robert M. Merrifield requests the issuance to him of a passenger stage corporation certificate of public convenience and necessity to operate between San Francisco and Berkeley, on the one hand, and Big Sur, on the other hand, with certain intermediate stops as more particularly set out in Appendix A attached hereto. The application was noticed in the Commission's Daily Calendar of January 7, 1974.

Applicant asserts he will conduct the proposed operations initially with two 1974 Dodge Maxivans each having a seating capacity of 12 persons with luggage space in the rear. The equipment is air conditioned and has tinted glass. The equipment will be purchased by applicant as soon as a certificate is granted. The application shows that applicant has a net worth of \$13,859 and the initial costs to establish the proposed service to be \$8,800. Scheduled service will be performed only on Fridays and Sundays but on-call service will be available. Applicant alleges there is no single line passenger stage service available from the requested points into the Big Sur area although there is available a taxi or on-call limousine type service from Monterey to the Esalen Institute in Big Sur.

In support of his application applicant alleges that no scheduled passenger service exists at this time between the Bay Area and the Big Sur area. Persons wishing to visit this wilderness area have heretofore relied solely on private automobile transportation. The current fuel shortage and closing of gasoline stations on Sundays make the Big Sur area all but inaccessible to large numbers of people, who, in the past, enjoyed this wilderness area. The economy of the Big Sur area is largely based on the flow of people to and from the metropolitan areas. Local industry consists of the Esalen Institute, a growth center located forty miles south of Carmel, five tourist lodges, six private and state-operated campgrounds, and gift shops and restaurants operating in the vicinity of these services. Over 200 local residents own, operate, or are employed by these businesses. The current limited availability of passenger vehicle fuel will, in all likelihood, cause a condition of economic recession in this area. The availability of passenger stage service to this area should lessen the economic impact of the current energy crisis for Big Sur residents and business owners. The availability and subsequent use of public transportation should decrease private automobile traffic to and from the Big Sur area and, therefore, should result in an overall decrease in fuel consumption. The current gas shortage and fuel allocation restrictions proposed by state and federal agencies for 1974 will, as is their intent, inhibit excursion driving by Bay Area residents, especially on weekends. The proposed passenger stage service will provide a way for Bay Area residents to get out of the metropolitan area on weekends and enjoy a scenic wilderness area without the use of private automobile transportation. Over 500 miles of foot trails within walking access of campgrounds and tourist lodges are available in the Big Sur wilderness area to hikers and nature lovers. It is anticipated that the public demand for public transportation to Big Sur and other scenic areas will increase as their accessibility by private automobile transportation is limited by the current and anticipated gasoline shortage.

Protests to this application have been received from Greyhound Lines-West and Airport Transportation Company, neither of whom is authorized to perform the requested service. After consideration, the Commission is of the view that the protests are not persuasive enough to prevent authority being granted so that the public can avail itself of the proposed service. Applicant will, however, be specifically restricted to provide transportation only to passengers having as either a point of origin or destination to the Big Sur area, defined here as that portion of the proposed route lying south of the Carmel River.

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

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 Robert M. Merrifield, 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 so to do may result in a cancellation of the authority.

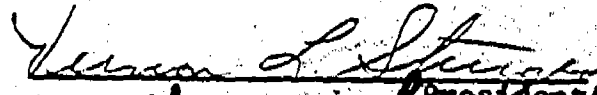



- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules of the California Highway Patrol, 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 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

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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 San Francisco, California, this 23rd day of APRIL, 1974.


President



Commissioners

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

Robert M. Merrifield, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between specific points in the San Francisco Bay area, Santa Cruz, and the Monterey Bay area, on the one hand, and the Big Sur area, on the other hand, over and along the routes described herein; subject, however, to the authority of this Commission to change or modify this authority 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) No passengers shall be transported except those having point of origin or destination in the Big Sur area.
- (c) Service shall be operated only with vehicles not exceeding fourteen passenger seats.

Issued by California Public Utilities Commission.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1. San Francisco Bay Area and Santa Cruz/Big Sur Area

Between the Big Sur area, on the one hand, and the following points, on the other hand, over and along the most appropriate routes:

Berkeley - University of California Art Museum on Bancroft Way.

Oakland - Hotel Leamington at Franklin Avenue and Nineteenth Street.

San Francisco - Union Square.

San Francisco International Airport - Central Terminal.

Palo Alto - Hotel President on University Avenue at Cowper Street.

Campbell - The Pruneyard on South Bascom Avenue.

Santa Cruz - Denny's Restaurant at Ocean Avenue and State Highway 1.

Route 2. Monterey Bay Area/Big Sur Area

Between the Big Sur area, on the one hand, and the following points, on the other hand, over and along the most appropriate routes:

Monterey Peninsula Airport - Terminal Building.

Monterey-Greyhound Lines West Depot - 351 Del Monte Avenue.

Monterey - Del Monte Shopping Center.

Carmel - Carmel Junction, State Highway 1 at Ocean Avenue.

Carmel - Rio Road Junction - State Highway 1 at Rio Road.

Definition of Big Sur Area - That section of State Highway 1 lying between the Carmel River and the Esalen Institute, a distance of approximately 40 miles.

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