

Decision No. 83024

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROBERT H. ANDERSON and LOUIS J.)
GIGLIATI for certificate of public)
convenience and necessity to operate)
transportation of passengers by)
operating an automotive service)
between Residential Area Livermore,)
CA and Lawrence Livermore Laboratory)
and Sandia Corporation, Livermore,)
CA and intermediate points.)

Application No. 54835
(Filed April 29, 1974)

INTERIM OPINION AND ORDER

Applicants Robert H. Anderson and Louis J. Gigliati request a certificate to operate as a passenger stage corporation over routes within the city of Livermore and extending outside of that city's limits to the Lawrence Livermore Laboratory (LLL) and Sandia Corporation (Sandia). Interim authority to initiate the operation has been requested by the applicants. A certificate is required since more than 2 percent of the proposed route mileage will be outside of the city limits of Livermore.

Applicants represent that there is no public transportation service available to the 3,700 local Livermore residents who are employed at LLL and Sandia whom applicant intends to serve during the peak commute hour periods with three schedules in the morning and three in the late afternoon. One schedule will have approximately 11 pickup and drop-off points along the route and the other 13 pickup and drop-off points. Fares will range from 50 cents to 80 cents, depending on point of pickup and drop-off, for a round-trip ticket. Applicants will offer weekly and monthly round-trip tickets after

the first two months of operation. Operations are expected to be conducted with two buses, one a 1965 Chevrolet Coach with a seating capacity of 36 adults and the other a 1961 GMC Coach with a seating capacity of 50 adults, both of which applicants intend to acquire upon the issuance to them of a certificate authorizing operations. Applicants intend to investigate the feasibility of adding additional equipment to expand commuter routes as the demand dictates and of using the equipment in the off-commute hours of the day since there is no present local public bus system in Livermore; only a taxi service. Upon the acquisition of the buses and the initiation of the operation, the operation will have a net worth of \$9,000; \$3,000 cash and \$6,000 investment in equipment, no liabilities.

The application is supported by letters from LLL and the city of Livermore. No protests have been received to the granting of the application.

After consideration the Commission finds that, subject to further consideration of evidence which may be adduced at a public hearing, public convenience and necessity require the granting of a certificate for the service prayed for in the application and 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 to the extent set forth in the order which follows.

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 Robert H. Anderson and Louis J. Gigliati 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 five days after the effective date of this order on not less than five 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.

3. The authority granted herein shall expire six months after the effective date of this order unless sooner canceled, modified, or extended.

4. A public hearing shall be scheduled in this proceeding for receipt of evidence on the application and full disposition thereof.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25th
day of JUNE, 1974.

Vernon L. Sturgeon
President
William L. Brown
W. M. Brown
W. M. Brown
W. M. Brown
Commissioners

APPENDIX A

Robert H. Anderson
and
Louis J. Gigliati

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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. **83024**
dated JUN 25, 1974, of the Public Utilities
Commission of the State of California, on Application No. 54835.

APPENDIX A

Robert H. Anderson
and
Louis J. Gigliati

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Decision No. 83024, Application No. 54835.

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

Robert H. Anderson and Louis J. Gigliati, partners, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between the residential areas in the City of Livermore, on the one hand, and the Lawrence Livermore Laboratory and the Sandia Corporation facilities, on the other hand, and certain intermediate points 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) Only passengers destined to or originating at the Lawrence Livermore Laboratory and the Sandia Corporation, near Livermore shall be transported.
- (d) Service will be operated at times necessary to meet employee shift needs on the regular working days.

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SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1 Southern Livermore Route

Commencing at the intersection of Lexington Way and Holmes Street, thence via Holmes Street to El Caminito, then via Stanley Boulevard to Murrieta Boulevard, via Murrieta Boulevard to Fourth Street, via Fourth Street to East Avenue, via East Avenue to the Lawrence Livermore Laboratory, (University of California Lawrence Radiation Laboratory), and the Sandia Corporation facilities near Livermore, California.

Route No. 2 Northern Livermore Route

Commencing at the intersection of Vancouver Way and Arroyo Road, thence via Vancouver Way to Holmes Street, via Holmes Street to Murrieta Boulevard, via Murrieta Boulevard to Pine Street, via Pine Street to "P" Street, via "P" Street to Chestnut Street, via Chestnut Street to Livermore Avenue, via Livermore Avenue to East Avenue, via East Avenue to the Lawrence Livermore Laboratory and the Sandia facilities near Livermore, California.

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