

af/eak

ORIGINAL

Decision No. 83139

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

RASARA, INC. (A Calif. Corp.)

For certificate of public convenience  
and necessity to operate

PASSENGER AND THEIR EXPRESS  
PROPERTY

between POINTS WITHIN CITY OF ANTIOCH

- and (A) BART RAPID TRANSIT STATION  
AT CONCORD  
(B) BETHEL ISLAND, KNIGHTSEN  
BRENTWOOD LOOP SERVICE  
(C) INDUSTRIAL PLANTS EAST OF ANTIOCH  
(D) INDUSTRIAL PLANTS WEST OF ANTIOCH

Application No. 54527  
(Filed December 21, 1973;  
amended December 26, 1973)

Richard A. Sara, for Rasara, Inc., applicant.

Richard M. Hannon, Attorney at Law, for  
Greyhound Lines, Inc. (West Division),  
protestant.

R. L. Ceder, for Bay Area Rapid Transit  
District; Stanford E. Davis, for City  
of Antioch; Paul E. Kilkenney, for Contra  
Costa County/Local Mass Transportation  
Agency; Donald Morgan, for Metropolitan  
Transportation Company; and Walter H. Reinke,  
for Antioch Area Chamber of Commerce;  
interested parties.

Ora A. Phillips, for the Commission staff.

### O P I N I O N

Applicant Rasara, Inc., a California corporation, requests  
a certificate of public convenience and necessity to operate as a  
passenger stage corporation between the points of Bethel Island and

Antioch serving certain intermediate points and between those points and the Bay Area Rapid Transit District (BART) station at Concord with no intermediate service. The application was noticed in the Commission's Daily Calendar of December 24, 1973. A hearing was held on the application at Antioch on April 23, 1974 before Examiner Pilling. Greyhound Lines--West and BART appeared in protest to the granting of the application.

Applicant is presently conducting bus and taxicab operations within the city of Antioch with two 1947 Dodge minibuses and proposes to extend its bus service by operating two schedules a day to Bethel Island. The one schedule, which leaves Antioch at 9:00 a.m., will operate eastward through Eagle City and Oakley to Bethel Island and in the return direction will operate south from Bethel Island through Knightsen and Brentwood, then east via the Antioch airport, then north to Antioch completing the loop. The afternoon schedule will leave Antioch at 2:43 p.m. and operate around the loop in the direction opposite to the morning schedule. The other extension of service proposed by applicant--between Antioch and the BART station at Concord--will be conducted on an hourly basis, Monday through Friday, with the first bus leaving Antioch at 6:00 a.m. and arriving at the BART station 30 minutes later and returning to Antioch to arrive there at 7:00 a.m. The last run will leave the BART station at 8:30 p.m. and arrive at Antioch at 9:00 p.m. No intermediate point service is proposed to be given. Fares will be charged on an individual fare basis. Applicant proposes to have a back-up minibus in the event any of its other buses are out of service. While evidence adduced at the hearing leaves applicant's financial standing unclear, the president of applicant, who, with his wife, owns all of the issued and outstanding stock of applicant, testified that he and

his wife have a net worth of approximately \$301,000. Applicant requests that, if any grant of authority herein results in its present service within the city of Antioch being made subject to Commission regulation, such grant of authority includes authorization to conduct operations within the city of Antioch as it is presently conducting.

At the hearing applicant withdrew its proposals to serve proposed routes (c) and (d), to and from industrial plants east and west of Antioch.

The chairman of the East Contra Costa County Planning Committee on Aging of the Concord Rotary Club testified in support of the application. She testified that one of the most needed things of the many senior citizens in eastern Contra Costa County is transportation; that within the area between Antioch and Bethel Island there is no local public transportation service as proposed by applicant and that such proposed service is needed by senior citizens to get to pharmacies for needed medicines and to shopping areas; and that persons in the senior citizens home in Brentwood have no cars nor is there taxi service available to them. A spokesman for the home testified in a similar vein.

The president of the Bethel Island Chamber of Commerce testified that that organization supported the application because there is no bus service into or out of Bethel Island; that there is only one gas station on the island; that there is no pharmacy on the island which necessitates persons having to go to other cities to get their prescriptions filled; and that the proposed service would be a convenience to the citizens of the island who want to go shopping in other eastern Contra Costa County cities covered by the proposed service and in Oakland and Concord and cities served by BART.

Also appearing in support of the application were representatives of the city of Antioch and the Antioch Area Chamber of Commerce and one merchant of Antioch.

Applicant submitted a group of letters he had solicited in support of the application, one of which was signed by 151 persons living in Oakley, Brentwood, Knightsen, or Bethel Island.

The assistant district manager for Greyhound Lines--West testified that his company operated 12 bus schedules daily on weekdays and 11 on Saturdays, Sundays, and holidays from Antioch to Concord and the same number in the opposite direction; that the buses stop one block from the Concord BART station; that the runs travel through and stop at Pittsburg and take approximately 50 to 55 minutes between Antioch and Concord; that the first bus leaves Antioch at 6:55 a.m. in the morning and the last leaves at shortly after midnight and the first bus to arrive at Antioch arrives at 7:50 a.m. and the last arrives shortly after midnight; that his company's service at Antioch is unprofitable because so few passengers get on or alight from its schedules at Antioch; that if this application is granted his company would be forced to eliminate its Antioch service; and that service between Antioch and Concord is a segment of a run between Antioch and San Francisco with stops at Oakland made by 75 percent of the schedules. The witness also stated that Greyhound serves Brentwood, Oakley, and Antioch twice a day with its Stockton-San Francisco schedule.

A representative for BART testified that BART intended to establish a bus service on November 1, 1974 between Antioch, Pittsburg, and the Concord BART station using eight 53-passenger buses to be obtained from the Alameda-Contra Costa Transit District as a feeder service for BART's trains. Schedules will be arranged

with one-half hour headway during the peak rush hours and an hour headway during the remainder of the day. The witness stated that BART's transbay service was scheduled to begin operation in September 1974. The witness stated BART would have no objection to the granting of the application if the Commission placed a condition in the certificate to the effect that the certificate may be canceled on motion of BART after BART extends bus or rail passenger service to Antioch. A similar condition is found in the certificate issued to Franciscan Lines, Inc. in Decision No. 80980 covering operations in another area and inserted presumably to relieve BART from having to buy out the other bus line as it would allegedly have to do if BART instituted competitive service.

Appearing as interested parties were representatives of the Metropolitan Transportation Commission and the Local Mass Transit Committee, the latter being engaged in a local mass transportation study relative to central Contra Costa County and which questioned the advisability of our certificating applicant in view of the impending initiation of BART's bus service in the area.

Findings

1. Applicant requests a certificate as a passenger stage corporation to operate between Antioch and Bethel Island and certain intermediate points and between Antioch and the BART station at Concord.

2. There is presently no local bus service within the area between Antioch and Bethel Island as proposed to be served by applicant, except service by protestant Greyhound between three points given in conjunction with service between Stockton and San Francisco and which is structured and scheduled to serve

a different passenger market than that proposed to be served by applicant.

3. Public witnesses have shown a need for applicant's proposed service between Antioch and Bethel Island.

4. Applicant has the financial ability, experience, and equipment necessary to conduct the proposed service between Antioch and Bethel Island.

5. Applicant proposes to operate 15 schedules per day each way Monday through Friday between Antioch and the Concord BART station.

6. Protestant Greyhound is and has been operating 12 schedules per day each way Monday through Friday between Antioch and Concord and 11 schedules each way between Antioch and Concord on Saturdays, Sundays, and holidays, with stops within one block of the Concord BART station. Its service to and from Antioch on this route is at best marginal.

7. Applicant's proposed service between Antioch and the Concord BART station seeks to compete in substantially the same passenger market and in the same territory presently being served by Greyhound between Antioch and Concord.

8. Section 1032 of the Public Utilities Code reads in part as follows:

" . . . The commission may, after hearing, issue a certificate to operate in a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporations serving such territory will not provide such service to the satisfaction of the commission." (Emphasis supplied.)

9. No evidence was adduced from any witness that protestant Greyhound's service between Antioch and Concord was unsatisfactory or wanting in any respect, hence we are precluded by Section 1032 of the Public Utilities Code from certificating a competitive service as proposed by applicant between Antioch and the Concord BART station.

10. BART at some future date intends to institute bus service between Antioch and the Concord BART station.

11. Public convenience and necessity have not been shown to require the granting of a certificate to applicant to conduct the proposed operations between Antioch and the Concord BART station.

12. Applicant presently conducts bus operations exclusively within the city of Antioch.

13. Section 226 of the Public Utilities Code exempts passenger stage operations from Commission regulation only if 98 percent or more of its operations as measured by total route mileage operations are exclusively within the limits of a single city, hence authorizing applicant to conduct the proposed service or a substantial part thereof will result in applicant's present city of Antioch operation coming under our jurisdiction and any such grant should include authorization for applicant to conduct its present Antioch intracity operation in connection with the proposed Antioch-Bethel Island operation.

14. With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment.

#### Conclusions

1. Public convenience and necessity do not require the granting of a certificate to applicant to conduct operations as a passenger stage corporation as proposed between Antioch and the Concord BART station.

2. Public convenience and necessity have been shown to require the granting of a certificate to applicant to conduct operations as a passenger stage corporation as proposed between Antioch and Bethel Island.

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 Rasara, 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 is the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of JULY, 1974.

Vernon L. Stearns  
President  
William J. ...  
...  
...  
...  
Commissioners

eak

Appendix A

RASARA, INC.

Original Page 1

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. 83139  
dated MAY 16, 1974 of the Public Utilities  
Commission of the State of California, on Application No. 54527.

eak

Appendix A

RASARA, INC.

Original Page 2

INDEX

	<u>Page No.</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS. . . . .	3

SECTION 2. ROUTE DESCRIPTIONS

<u>Route</u>	<u>Route Name</u>	
1	Antioch City Loop . . . . .	4
2	Antioch City - Delta Memorial Hospital .	4
3	Antioch, Bethel Island, Knightsen, Brentwood Loop . . . . .	4

Issued by California Public Utilities Commission.

Decision No. 83139, Application No. 54527.

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

Rasara, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage, and express within Antioch and between Antioch and Oakley, Bethel Island, Knightsen, Brentwood, Antioch Municipal Airport 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) Motor vehicles may deviate from routes to serve shopping centers, hospitals, airports, rail stations and bus stations which are adjacent to the routes.

Issued by California Public Utilities Commission.

Decision No. 83139, Application No. 54527.

## SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1 - Antioch City Loop

Starting at 2nd and G, via G to 6th, via 6th to L, via L to 10th, via 10th to Crestview, via Crestview to 18th, via 18th to Somersville, via Somersville to Delta Fair, via Delta Fair to Fairview, via Fairview to Somersville, via Somersville to Delta Fair, via Delta Fair to Buchanan, via Buchanan to Mission, via Mission to Francisco, via Francisco to Putman, via Putman to Contra Loma, via Contra Loma to Fitzuren, via Fitzuren to G, via G to Texas, via Texas to D, via D to 18th, via 18th to Hillcrest, via Hillcrest to Jacobsen, via Jacobsen to Minaker, via Minaker to Wilbur, via Wilbur to A, via A to 10th, via 10th to D, via D to 2nd, via 2nd returning to 2nd and G.

Route No. 2 - Antioch City - Delta Memorial Hospital

Starting at 2nd and G, via G to 10th, via 10th to A, via A to Lone Tree Way, via Lone Tree Way to Delta Memorial Hospital, continuing via Lone Tree Way to Ridgerock, via Ridgerock to end of route at Boulder, returning via Ridgerock to Lone Tree Way, via Lone Tree Way to Delta Memorial Hospital, continuing via Lone Tree Way to A, via A to 10th, via 10th to D, via D to 2nd, via 2nd returning to 2nd and G.

Route No. 3 - Antioch, Bethel Island, Knightsen, Brentwood Loop

Starting in Antioch at 2nd and G, via G to 10th, via 10th to A, via A to Wilbur, via Wilbur to State Route 160, via State Route 160 to State Route 4, via State Route 4 to Oakley, continuing via State Route 4 to Cypress Road, via Cypress Road to Bethel Island Road, via Bethel Island Road to Bethel Island Post Office, returning via Bethel Island Road to Cypress Road, via Cypress Road to Knightsen Road, via Knightsen Road to Delta in Knightsen, continuing via Delta to Sellers, via Sellers to Brentwood Road, via Brentwood Road to Chestnut, via Chestnut to State Route 4 in Brentwood, via State Route 4 to Dainty, via Dainty to Fairview, via Fairview to Lone Tree Way at Antioch Municipal Airport, via Lone Tree Way to Delta Memorial Hospital, continuing via Lone Tree Way to A, via A to 10th, via 10th to D, via D to 2nd, via 2nd returning to 2nd and G in Antioch. (Underlined are communities or points served.)