

ORIGINAL

Decision No. 83279

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
EMPLOYEE SHUTTLE SERVICE, INC., for a
Certificate of Public Convenience and
Necessity to operate passenger stage
service between various points in
Ventura, Los Angeles and Orange
Counties, and Airline facilities on
World Way West, Los Angeles Inter-
national Airport.

Application No. 54769
(Filed April 1, 1974)

Andrew Mann, for applicant.
Stephen T. Parry, for the
Southern California Rapid
Transit District, protestant.
Marc Gottlieb, for the Commission
staff.

O P I N I O N

By this application, Employee Shuttle Service, Inc., applicant, requests a certificate of public convenience and necessity authorizing it to operate round trips as a passenger stage corporation between points in Ventura County, Los Angeles County, and Orange County, on the one hand, and airline and airport maintenance facilities along World Way West at Los Angeles International Airport (LAX), on the other hand. The service would be restricted to persons employed by Continental Airlines, Trans World Airlines, Inc., American Airlines, Inc., Flying Tiger Line, Inc., Delta Airlines, and airport employees.

A public hearing on the application was held before Examiner Rogers in Los Angeles on June 24, 1974, and the application was submitted.

The application states that it is applicant's intent to lease six 11-passenger, air-conditioned, reclining seat vans for use in the proposed service. According to the application, applicant has assets of \$11,526 and liabilities of \$8,765.

At the present time applicant is providing commuter passenger stage service to employees of airlines and facilities at World Way West, LAX, under authority of Decision No. 82046, dated October 30, 1973, in Application No. 54000 (Exhibit 4). Applicant's witness stated that this service has been so well received by the employees that a continued demand for extended service to the areas and routes applied for exists; that the airlines have supported and independently endorsed the applicant in letters and communiques to their employees (Exhibit 2); that large numbers of employees have changed their working hours and schedules to utilize the service provided by the applicant; that many employees drive as far as ten miles to pick up existing commuter routes; that it is in the best interest of the people and companies that they presently serve to extend service to the new routes applied for; that the demand need is urgent; and applicant's growth reflects its ability to give its passengers the kind of commuter service needed by this particular industry.

Applicant's witness stated that, with as many as twenty different shift starting times, its proposed service of three round trips per day seven days a week will extend to most of the employees an opportunity to utilize the service.

Applicant proposes seven routes with five days round trip commute fares, varying from \$9 between LAX and the intersection of Palos Verdes Drive North and Western Avenue, to \$14 between LAX and the intersection of Westlake Avenue and the Ventura Freeway (Exhibit C on the application).

The application was protested by the Southern California Rapid Transit District. The district has no directly comparable service at the present time (Exhibits 5, 6, and 7) and will not, at any time, provide service with the type of equipment to be used by applicant. The district presented various schedules by which service could be provided from some neighborhoods but mostly by quite inconvenient means, including transfers, and then only to the passenger terminal area at the Airport and not to the maintenance facilities proposed to be served by this application. Additionally, the RTD scheduled services, where available, are not geared to the workshifts of these employees and in most cases do not operate on an around-the-clock basis. As we stated in Decision No. 82046, supra:

"Applicant proposes a transportation service for a limited class of passengers ... 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."

Findings

1. Public convenience and necessity require that the service as described in the application be authorized as provided in the order which follows.
2. The proposed service is not directly competitive with any existing or proposed service of the Southern California Rapid Transit District.
3. It is reasonably certain that the project involved in this proceeding will not have a significant effect on the environment.

Conclusion of Law

The application should be granted as provided in the order which follows.

Employee Shuttle Service, Inc. 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 ten days after the date hereof.

Dated at San Francisco, California,
this 12 day of AUGUST, 1974.

Vernon L. Sturgeon
President
William J. Jones, Jr.
[Signature]
[Signature]

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

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.

This certificate supersedes the Certificate of Public Convenience and
Necessity granted to Employee Shuttle Service, Inc.
by Decision No. 82046 in Application No. 54000.

Issued under authority of Decision No. **83279**
dated AUG 6 - 1974 of the Public Utilities Commission
of the State of California, on Application No. 54769.

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NOTE: All routes are to the Los Angeles International Airport airlines Maintenance Area along World Way West.

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

Employee Shuttle Service, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between certain points in Southern California and the Los Angeles International Airport Maintenance Area along World Way West, 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 routes descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) No passenger shall be transported who does not have as either point of origin or destination the Los Angeles International Airport Maintenance Area along World Way West.
- (d) Transportation is limited to employees of or persons seeking employment by Continental Airlines, Trans World Airlines, Inc., American Airlines, Inc., Flying Tiger Line, Inc., Delta Air Lines and the Los Angeles International Airport.
- (e) The passenger stops indicated in Routes 3, 4, 5, 6, and 7 may be changed to accommodate passenger needs; new stops may be designated at any point along a route between the beginning of the route and the last pick-up point, as specified in the routes described herein.

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SECTION 2. ROUTE DESCRIPTIONS.

ROUTE 1: Simi Valley - Los Angeles International Airport

From the area in the Simi Valley bounded by Madera Avenue on the west, Alamo Street on the north, Royal Avenue on the south and Kuchner Drive on the east; thence via Devonshire Avenue, the San Diego Freeway, the Marina Freeway, Culver Boulevard, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area on World Way West.

ROUTE 2.: Central Orange County - Los Angeles International Airport

From the area in Orange County 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 via the San Diego Freeway, Garden Grove Freeway, Imperial Highway, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area on World Way West.

ROUTE # 3 - Palos Verdes - Los Angeles International Airport

Commencing at Palos Verdes Drive North and Western Avenue, Harbor City; thence via Palos Verdes Drive North to pick-up point at the intersection of Hawthorne Boulevard and Silver Spur Road, Rolling Hills Estates; thence via Hawthorne Boulevard and Palos Verdes Drive North to pick-up point at Palos Verdes West (Lunada Bay Shopping Center); thence via Palos Verdes Drive to pick-up point at Pacific Coast Highway, Redondo Beach; thence via Pacific Coast Highway, Sepulveda Boulevard, Imperial Highway, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area along World Way West.

ROUTE # 4 - Torrance/Carson - Los Angeles International Airport

Commencing at Anaheim Street and Vermont Avenue, Harbor City; thence via Vermont Avenue to pick-up point at Sepulveda Boulevard, Torrance; thence via Vermont Avenue to pick-up point at Torrance Boulevard, Torrance; thence via Harbor Freeway, San Diego Freeway, Imperial Highway, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area along World Way West.

ROUTE # 5 - San Gabriel Valley - Los Angeles International Airport

Commencing at Peck Road and Valley Boulevard, El Monte; thence via Peck Road to pick-up point at the Pomona Freeway on ramp, South El Monte; thence via the Pomona Freeway to pick-up point at the Paramount Boulevard off ramp, Montebello; thence via the Pomona Freeway to pick-up point at Garfield Avenue, Monterey Park; thence via the Pomona Freeway, Santa Monica Freeway, San Diego Freeway, Marina Freeway, Culver Boulevard, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area along World Way West.

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ROUTE # 6 - Northern Orange County - Los Angeles International Airport

Commencing at Euclid Street and Crescent Avenue, Anaheim; then via Euclid Street, Santa Ana Freeway, Artesia Freeway, and Beach Boulevard to pick-up point at the intersection of Beach Boulevard and Orangethorpe Avenue in Buena Park; thence via Orangethorpe Avenue to pick-up point at the intersection of Orangethorpe Avenue and Valley View Street in Buena Park; thence via Artesia Freeway and Bloomfield Avenue to pick-up point at the intersection of Bloomfield Avenue and 183rd Street in Cerritos; thence via 183rd Street to pick-up point at the intersection of 183rd Street and Pioneer Boulevard in Artesia; thence via 183rd Street to pick-up point at the intersection of 183rd Street and Gridley Road in Cerritos; thence via Gridley Road, South Street, San Gabriel Freeway, Artesia Freeway, Long Beach Freeway, San Diego Freeway, Imperial Highway, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area along World Way West.

ROUTE # 7 - Thousand Oaks - Encino - Los Angeles International Airport

Commencing at the Westlake Plaza Shopping Center on Westlake Boulevard in Thousand Oaks; thence via Westlake Boulevard and the Ventura Freeway to pick-up point at Brent's Junction on Las Virgenes Road; thence via the Ventura Freeway to pick-up point at Calabasas Parkway, Calabasas; thence via the Ventura Freeway and Topanga Canyon Boulevard to pick-up point at intersection of Topanga Canyon Boulevard and Ventura Boulevard in Woodland Hills; thence via Ventura Boulevard, picking up passengers at Canoga Avenue, Woodland Hills, Reseda Boulevard, Tarzana, and Balboa Boulevard, Encino; thence via the Ventura Freeway, San Diego Freeway, Marina Freeway, Culver Boulevard, Pershing Drive and World Way West to the Los Angeles International Airport Maintenance Area along World Way West.

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