

Decision No. 83418

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;
amended July 22, 1974)

Robert H. Anderson and Louis J. Gigliati,
for applicants.

O P I N I O N

Applicants Robert H. Anderson and Louis J. Gigliati, individuals, doing business as Pioneer Lines, request a certificate to operate as a passenger stage corporation between the city of Livermore, on the one hand, and, on the other, Lawrence Livermore Laboratory (LLL) and Sandia Corporation (Sandia). At the hearing leave was granted to amend the application to revise the routes within the city of Livermore. We heretofore granted applicants interim authority to operate between Livermore and LLL and Sandia Corporation. A hearing was held on the matter at Livermore on July 22, 1974 before Examiner Pilling. No protestants appeared in opposition to the application.

Applicants propose to conduct commuter operations via two routes between Livermore and LLL and Sandia with three runs each in the morning and three each in the late afternoon and early evening. One route will be 12½ miles round trip and the other 13 miles round trip. The former route will be scheduled to make 11 pickups and drop-offs within the city of Livermore and the latter route will be scheduled to make 13 pickups and drops within the city. The operation will be conducted with two buses: a 1965 Chevrolet Coach (school bus) with a seating capacity of 36 adults and a 1961 GMC coach with a seating capacity of 50 adults. Applicants estimate their breakeven point to be 100 passengers per day per bus and their cost of operation to be 25 cents per mile. Fares will range from 25¢ to 40¢ one way depending on the stop at which the passenger boards the bus. Weekly and monthly fares will be offered at a later date. The witness for applicants testified that the city had agreed to mark the bus stops within the city. The witness stated that applicants canvassed 700 persons employed at the two plants and they received assurances that 250 of those questioned would definitely use applicants' service. Applicants contend that there is no public transportation within the city of Livermore except taxicab service and that there is no public transportation between Livermore and LLL and Sandia. Applicants represent they will have a combined net worth of approximately \$9,000 when they open for business. The witness for applicant stated that both LLL and Sandia Corporation have given permission to stop on their parking lots.

The Chairman of the Employees Transportation Committee for LLL testified in support of the application. He stated that of 5,500 employees of LLL, 3,000 of them reside locally and that no mass transit system is available to them. He stated that his committee had canvassed 600 LLL employees and found that only 110 of them would not be likely to use the service. The witness stated his support of the application was based solely on the need for mass transit service and was not to be construed as vouchsafing applicants' abilities, financial stability, or other basic qualifications.

Sandia, through its Special Assistant for Public Relations, appeared and gave testimony in support of the application. The witness reaffirmed his company's permission to applicants to use the company parking lot to drop off and pick up Sandia's employees who ride in applicants' service and stated that the proposed service would be of tremendous advantage to Sandia's employees. Of the 670 Sandia employees who reside within the city of Livermore who were canvassed about the proposed service only 123 expressed no interest in the proposed service. The witness also stated that his company's support of the application was not to be construed as vouching for applicants' abilities, financial stability, or other basic qualifications.

After consideration the Commission finds that public convenience and necessity require the granting of a certificate for the service as prayed for in the application, as amended, and further finds with reasonable certainty that the project involved in the application 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.

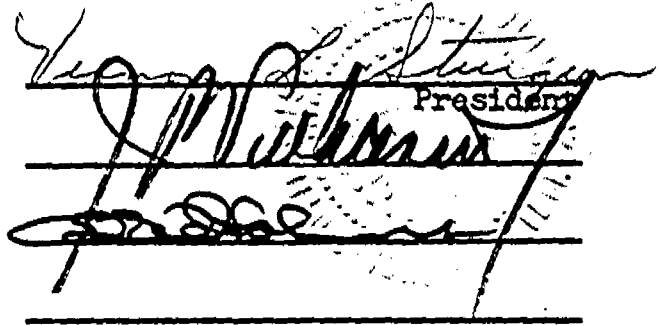
- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they will be required, among other things, to comply with the safety rules of the California Highway 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 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.

3. The interim authority granted to applicants to operate as a passenger stage corporation by Decision No. 83024 dated June 25, 1974 is revoked.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th
day of SEPTEMBER, 1974.



Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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

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Appendix A

ROBERT H. ANDERSON
AND
LOUIS J. GIGLIATI
dba Pioneer Lines

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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. **83418**
dated SEP 11, 1974, of the Public Utilities
Commission of the State of California, on Application No. 54835

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Appendix A

ROBERT H. ANDERSON
AND
LOUIS J. GIGLIATI
dba Pioneer Lines

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Issued by California Public Utilities Commission.

Decision No. 83418, 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 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 Stanley Blvd. and El Caminito, thence via El Caminito to Holmes Street via Holmes Street to Vancouver Way, via Vancouver Way to Arroyo Road via Arroyo Road to Seventh Street, via Seventh Street to East Avenue, via East Avenue to Lawrence Radiation Laboratory and The Sandia Corporation near Livermore.

Route No. 2 - Northern Livermore Route

Commencing at Alviso Way and Portola Avenue, via Portola Avenue to Murrieta Blvd., via Murrieta Blvd. to Olivina Avenue, via Olivina Avenue to Chestnut Street, via Chestnut Street to "L" Street, via "L" Street to Fourth Street, via Fourth Street to East Avenue via East Avenue to Lawrence Radiation Laboratory and The Sandia Corporation near Livermore.

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