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Decision No. 84014

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
FRANCISCAN LINES, INC., a California }  
corporation, for a certificate of }  
public convenience and necessity to }  
operate as a passenger stage }  
corporation. }

Application No. 55390  
(Filed December 18, 1974)

INTERIM OPINION

Applicant Franciscan Lines, Inc., a corporation, requests a certificate to operate as a passenger stage corporation to perform commuter service between the unincorporated communities of Alamo and Danville, on the one hand, and, on the other hand, the Transbay Transit Terminal in San Francisco. A limited protest to the application has been received from the county of Contra Costa which requests a hearing on the matter.

Passenger stage commuter service between the involved points was historically performed by Greyhound Lines—West (Greyhound) which operated 6 bus schedules from Danville leaving between the hours of 6:35 a.m. and 6:55 a.m. each weekday morning and 6 schedules in the reverse direction leaving between 4:35 p.m. and 5:20 p.m. in the afternoon. In September 1974 BART opened its interurban rail transit passenger service between San Francisco and Concord with stops at, among others, Walnut Creek. The Walnut Creek station is the closest BART station to Alamo and Danville. In December 1974 BART instituted feeder bus service between the Alamo-Danville area and BART's Walnut Creek station, and simultaneously Greyhound ceased its Danville-San Francisco service.

It is general knowledge that the BART system at this time is not fully operational; that the system is plagued with equipment problems which cause delays in its service during commuter hours; that travel time on BART has not reached its optimum; and that because of a combination of these, and perhaps other factors, its Concord-San Francisco trains during rush hours are overcrowded and require many of its patrons to stand for the entire distance between the Walnut Creek and the Montgomery Street station in San Francisco.

Applicant, primarily a charter-party carrier of passengers, which also operates a passenger stage service between Livermore, Oakland, and San Francisco, operates 14 GMC buses with a seating capacity of between 39 and 53 persons. Several of these buses will be available for use in the proposed service. Applicant does not indicate that it will have to purchase additional buses to conduct the proposed operation. At the outset applicant proposes to operate one schedule per day each way, the first schedule to leave the corner of Greenbrook Drive and San Ramon Valley Boulevard, Danville, at approximately 6:30 a.m. with intermediate stops only in Danville and Alamo and will arrive in San Francisco Transbay Transit Terminal at approximately 7:50 a.m. The schedule in the reverse direction will leave the Transbay Transit Terminal at 4:45 p.m. Applicant represents that it will operate as many schedules during the commute rush hours as are needed. The application shows that as of October 31, 1974 applicant had a net worth of approximately \$126,400 and that for the 10 months ended on that date had a net income from its business of \$39,300. Attached to the application is a petition signed by 139 persons who support the application. The petition alleges that present commuter service between the Danville-Alamo area and San Francisco is unsatisfactory; that petitioners are forced to ride the BART shuttle buses to the BART

station at Walnut Creek; that the BART trains are overcrowded and petitioners are forced to stand all the way to San Francisco; that travel time via the shuttle and BART trains is considerably longer than experienced on buses; and that the joint bus-train service provides for inconvenient connections and results in delays. The petitioners request that until BART can shorten its total travel time and provide adequate seating for its patrons, the Commission should authorize the proposed service.

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 the application as hereinafter set out. The Commission 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 on an interim basis to the extent set forth in the ensuing order.

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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Franciscan Lines, 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 of this decision.

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 administered by 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 sixty 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 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.


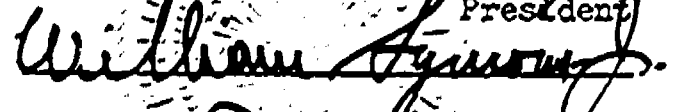
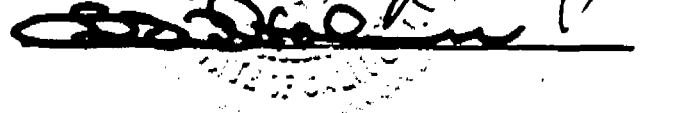
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain its accounting records on a calendar 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.

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 21st  
day of JANUARY, 1975.

  
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President  
  
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Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

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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.

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

Franciscan Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between Danville and Alamo, on the one hand, and San Francisco, on the other hand, over and along the route hereinafter described, subject, however, to the authority of this Commission to change or modify said route 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 operations in either direction unless otherwise indicated.
- (c) Applicant shall pick up or discharge passengers only at specified bus stops in Alamo and Danville, and in San Francisco only at the Transbay Transit Terminal.
- (d) Authority to conduct the passenger service is temporary and shall not extend beyond six months from the effective date of the order in the decision noted in the margin.

Issued by California Public Utilities Commission.

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Appendix A

FRANCISCAN LINES, INC.

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SECTION 2. ROUTE DESCRIPTION.

Commencing at the intersection of Greenbrook Drive and San Ramon Valley Boulevard, Danville, Contra Costa County, over the most appropriate streets in Danville and Alamo, continuing over the most appropriate streets and freeways to the Transbay Transit Terminal in San Francisco.

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