

Decision No. 85717**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Orville  
 Gilbert, an individual, doing business as  
 AIRLINE COMMUTE for authority to transfer  
 passenger stage authority from ROY L.  
 ARLEDGE, d.b.a. UNITED TRANSIT to AIRLINE  
 COMMUTE for transportation of passengers  
 from United Air Lines Maintenance Base in  
 South San Francisco to Santa Clara and  
 Sunnyvale.

Application No. 56286  
 (Filed February 20, 1976)

O P I N I O N

By Decision 35057 in Applications 54409, 54560, and 54727, and in Cases 9645 and 9725, Roy L. Arledge, dba United Transit, was issued a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation (PSC-844) in transporting passengers, who are employees of United Airlines, between the Maintenance Base located at the San Francisco International Airport, on the one hand, and the service area which includes the Cities of Santa Clara, Sunnyvale, Cupertino, Los Altos, Mountain View, Los Gatos and Palo Alto, on the other hand, to and from the points described.

By this application, Roy L. Arledge, dba United Transit, hereinafter referred to as transferor, requests authority to transfer a portion of his Certificate of Public Convenience and Necessity to transport passengers to Orville L. Gilbert, dba Airline Commute, hereinafter referred to as transferee. The transferor and transferee have jointly submitted Application 56286.

The route to be transferred to Airline Commute is described as Passenger Stage Route #1. The route commences at the intersection of Kiely Boulevard and Homestead Road in the City of Santa Clara thence via Kiely Boulevard, Benton Street, Los Padres Boulevard, El Camino Real, Bowers Avenue, Monroe Street, Reed Lane, North Fair Oaks Avenue, U.S. Highway 101 (Bayshore Freeway) and

proceeds on the most direct and convenient route to the United Airlines Maintenance Base.

The application was listed on the Commission's Daily Calendar of February 24, 1976. No protest or request for a hearing has been received. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protest or request for a public hearing, it be granted by ex parte order.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The order which follows will provide for the revocation and deletion of that portion of the certificate presently held by Roy L. Arledge, dba United Transit, and the issuance of a certificate in appendix form to Orville L. Gilbert, dba Airline Commute.

Transferee 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 and 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. On or before July 1, 1976, Roy L. Arledge, dba United Transit, may transfer the operative rights referred to in the application to the transferee, Orville L. Gilbert, doing business as Airline Commute.

2. Within thirty days after the effective date of this order the transferee shall file with the Commission a written acceptance of the certificate and an instrument of transfer.

3. Applicants shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their own, the rates and rules. 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders 79- and 98-Series. Failure to comply with the provisions of General Orders 79- and 98-Series may result in a cancellation of the operating authority granted by this decision.

4. Effective concurrently with the effective date of the tariff filings required by Paragraph 3, a Certificate of Public Convenience and Necessity is granted to Orville L. Gilbert, doing business as Airline Commute, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The affected portion of the Certificate of Public Convenience and Necessity granted by Decision 85057 to Roy L. Arledge, dba United Transit, is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3. Appendix A of Decision 85057 is amended by incorporating First Revised Page 3 in revision of Original Page 3 and First Revised Page 4 in revision of Original Page 4, both pages of which are attached hereto.

6. Transferee shall comply with the safety rules of the

California Highway Patrol, the rules and regulations of the Commission's General Order 90-Series, and insurance requirements of the Commission's General Order 101-Series.

7. Transferee shall maintain his 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 his 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 twenty days after the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of APRIL, 1976.

William S. Squire President  
Vernon L. Stinson  
Robert B. Baker Commissioners

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

VVE

Appendix A

Orvelle L. Gilbert

Original Title Page

dba

AIRLINE COMMUTE

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A  
PASSENGER STAGE CORPORATION

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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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Issued under authority of Decision No. **85717**  
dated APR 20 1976, of the Public Utilities Commission  
of the State of California, in Application No. 56286.

Appendix A

Orvelle L. Gilbert

Original Page 1

dba

## AIRLINE COMMUTE

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

Orvelle L. Gilbert, dba Airline Commute, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, and the service area which includes the Cities of Santa Clara and Sunnyvale, on the other hand to and from the points hereinafter described, subject, however, to the authority of this Commission to change or modify said points at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described. Restriction to a specific shift is noted in Section 2.
- (e) The route traversed during the pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

Decision No. 85717, Application No. 56286.

AIRLINE COMMUTE

SECTION 2. SERVICE FOR SPECIFIC PICKUP AND DISCHARGE POINTS SHALL BE BETWEEN THE UNITED AIRLINES MAINTENANCE BASE AND THE FOLLOWING POINTS:

Saratoga Avenue and Los Padres Boulevard, Santa Clara  
Los Padres Boulevard and Benton Street, Santa Clara  
El Camino Real and Bowers Avenue, Santa Clara  
Cabrillo Avenue and Bowers Avenue, Santa Clara  
Cabrillo Avenue and Calabazas Boulevard, Santa Clara  
Santa Maria Avenue and Ventura Place, Santa Clara  
Reed Avenue and Sequoia Drive, Sunnyvale  
Reed Avenue and Wolfe Road, Sunnyvale  
Reed Avenue and Fair Oaks Avenue, Sunnyvale  
Fair Oaks Avenue near Caliente, Sunnyvale

Note: Day shift only.

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Appendix A  
(D. 35057)

Roy L. Arledge  
dba

UNITED TRANSIT

(United Airlines Maintenance Base Service)

First Revised Page 3  
Cancels

Original Page 3

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Roy L. Arledge, dba United Transit, to serve the United Airlines Maintenance Base at the San Francisco International Airport.

Roy L. Arledge, dba United Transit, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, and the service area which includes the Cities of Los Altos, Los Gatos, Mountain View, ...\*, Cupertino, ...\* and Palo Alto, on the other hand to and from the points hereinafter described, subject, however, to the authority of this Commission to change or modify said points at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described.  
Restriction to a specific shift is noted in Section 2.
- (e) The route traversed during pickup at the beginning of the work shift will be travelled in reverse at the end of the work shift.

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\*Deleted by Decision No. 85717, Application No. 56236.



Appendix A  
(D. 35057)

Roy L. Arledge  
CBA  
UNITED TRANSIT  
(United Airlines Maintenance Base Service)

First Revised Page 4  
Cancels  
Original Page 4

\*SECTION 2 - Service for specific pickup and discharge points shall be between the United Airlines Maintenance Base and the following points:

Blossom Hill and Harwood  
Los Gatos-Almaden Rd. and Los Gatos Blvd.  
Grant and El Camino  
Kiely Blvd. and Saratoga Avenue  
Saratoga and Freeway 280  
Stevens Creek Blvd. and Saratoga Avenue  
Lawrence Expressway and Homestead  
Stevens Creek Blvd. and Lawrence Expressway  
Homestead and Hollenbeck  
Fremont and Mary (Restricted to Graveyard  
Shift only)  
Homestead and Wolfe Road

Issued by California Public Utilities Commission.

\*Revised by Decision No. 85717, Application No. 56286.