

Decision 84 04 027

APR 4 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Eastbay Airporter Inc. for authority to transfer the certificate of public convenience and necessity PSC 1234 to AM/PM Airporter.

Application 84-01-42
(Filed January 24, 1984)

O P I N I O N

Eastbay Airporter, Inc. (transferor) requests authority to transfer, and Ronald Jay Mayeri and Ali Vakili (transferees) permission to acquire a certificate of public convenience and necessity (PSC-1234) authorizing operations as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226.

The certificate involved was granted by Decision (D.) 82-09-045, dated September 8, 1982 in Application (A.) 82-02-20 and revised by D.83-04-075, dated April 20, 1983 and D.83-11-109 dated November 30, 1983 in A.82-11-12. It authorizes the transportation of passengers in "on call" service between points in Contra Costa and Alameda Counties, on the one hand, and the Oakland International and San Francisco International Airports, on the other hand. The selling price for the certificate is one dollar. No other assets are to be transferred.

Transferor's president, Jesse L. Sanders, states that its service was discontinued in November 1983 due to lack of sufficient revenue; that he had been maintaining the service by subsidizing the operation from his personal resources until those resources were exhausted.

Transferees allege that there is a need for the service and they have the resources to adequately serve that need.

Ronald Mayeri owns and operates a taxi cab in Oakland and has operated a charter party carrier business. Ali Vakili is a former employee of transferor and has fifteen years experience driving buses.

Transferees currently own a 1978 10-passenger Chevrolet Van. They will have a second 10-passenger van at the start of operations.

Combined assets of transferees shown in a financial statement attached to the application amount to approximately \$28,000. The statement indicates liabilities of only \$150 per month, representing payments on the 1978 Chevrolet Van and which will continue for sixteen months.

Notice of filing of the application appeared on the Commission's Daily Transportation Calendar of January 27, 1984. No objection to granting the request has been received.

Findings of Fact

1. Transferees have the ability and financial resources to perform the described service.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application should be granted.
2. There is a present need for the service described and the following order should be effective today.
3. A public hearing is not necessary.
4. Transferees should be authorized to initiate service at the same fare levels last assessed by transferor.

Only the amount paid to the state for operative rights may be used in rate fixing. The state may grant any number of rights, and may cancel or modify these rights at any time.

O R D E R

IT IS ORDERED that:

1. By July 1, 1984 Eastbay Airporter, Inc. may sell and transfer the operative rights specified in the application to Ronald Jay Mayeri and Ali Vakili.

2. Purchasers shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- d. File an annual report of seller's operations for the period from the first day of the current year to the date of transfer.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity (PSC-1234) is granted to Ronald Jay Mayeri and Ali Vakili, authorizing them to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-1234 to transport persons and their baggage.

4. The certificate of public convenience and necessity granted by D.82-09-045 and revised by D.83-04-075 and D.83-11-109 is revoked on the effective date of the tariffs.

5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

6. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to them that they have evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicants' vehicles for service.

7. Ronald Jay Mayeri and Ali Vakili shall assess rates no higher than those presently named in the tariff of Eastbay Airporter, Inc., until such time as increases in such rates may be authorized by the Commission.

This order is effective today.

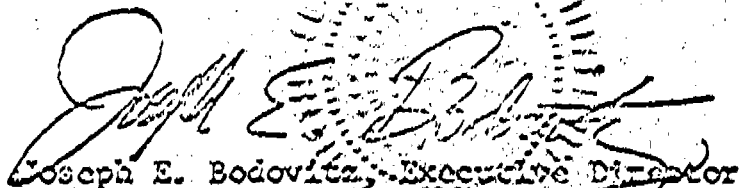
Dated APR 4 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

Commissioner William T. Bagloy
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1234

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

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 by Decision 84 04 027, dated APR 4 1984 of
the Public Utilities Commission of the State of California in
Application 84-01-42.

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

The certificate noted supersedes all operative authority previously granted to East Bay Airporter or predecessors.

Ronald Jay Mayeri and Ali Vakili, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their incidental baggage between points described in Section 2 of this certificate and certain intermediate adjacent territories, and over and along the routes described, subject, however, to the authority of this Commission to change or modify these 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. No passengers shall be transported on Routes 1, 2, or 3 except those having point of origin or destination at Oakland International Airport.
- d. No passengers shall be transported on Route 4, 5, or 6 except those having point of origin or destination at San Francisco International Airport.

Issued by California Public Utilities Commission.

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

- e. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetable shall show the conditions under which authorized on-call service shall be rendered.
- f. The transportation of passengers' baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1 El Cerrito to Oakland International Airport

Beginning at the BART station in the City of Richmond then via MacDonald Avenue and the appropriate city streets in the Cities of El Cerrito, Albany, Berkeley, Emeryville and Oakland to State Highway 17 then via State-Highway 17 (Nimitz Freeway), Hegenberger Road, and Airport Drive to the passenger terminal at Oakland International Airport.

Route 2 Concord to Oakland International Airport

Beginning in the City of Concord then via the appropriate city streets or highways in the Cities of Concord, Pleasant Hill, and Walnut Creek to State Highway 24, then via State Highway 24, State Highway 13 (Warren Freeway), Interstate Highway 680, Edwards Avenue, Seventy Third Avenue, Hegenberger Road, and Airport Drive to the passenger terminal at Oakland International Airport.

Deviation for Route 2

From the intersection of State Highway 24 and State Highway 13 then along Highway 13 (Tunnel Road) to the Hotel Claremont and return when reservations have been made under the conditions set forth in the tariff and timetable.

Route 3 Livermore Valley, Dublin-Oakland International Airport.

Beginning in the Livermore Valley Service Area then via the appropriate streets or highways to Interstate Highway 580 then via Interstate Highway 580, Foothill Road, Dublin Boulevard and Regional Street to the Howard Johnson Motel at 6680 Regional Street then via Regional Street, Dublin Boulevard, Foothill Road, Interstate Highway 580, State Highway 238 (Foothill Boulevard), "A" Street, Esperian Boulevard, State Highway 17 (Nimitz Freeway), 98th Avenue, Airport Access Road, and Airport Drive to the passenger terminal at Oakland International Airport.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Deviation for Route 3

Route deviations may be made within the Cities of Dublin and Hayward using the appropriate city streets in these cities when reservations have been made under the conditions set forth in the tariff and timetable.

Route 4 Livermore Valley-Dublin-San Francisco International Airport

Beginning in the Livermore Valley Service Area then via the appropriate streets or highways to Interstate Highway 580 then via Interstate Highway 580, Foothill Road, Dublin Boulevard and Regional Street to the Howard Johnson Motel at 6680 Regional Street, then via Regional Street, Dublin Boulevard, Foothill Road, Interstate Highway 580, State Highway 238 (Foothill Boulevard), "A" Street, Hesperian Boulevard, State Highway 92, U.S. Highway 101 (Bayshore Freeway), and Airport Access Road to the passenger terminal at San Francisco International Airport.

Deviation for Route 4

Route deviations may be made within the Cities of Dublin and Hayward using the appropriate city streets in these cities when reservations have been made under conditions set forth in the tariffs and timetables.

Route 5 Concord to San Francisco International Airport

Beginning in the City of Concord then via the appropriate city streets or highways in the Cities of Concord, Pleasant Hill, and Walnut Creek to State Highway 24, then via State Highway 24, and the appropriate streets or highways in the Cities of Berkeley, Emeryville and Oakland to Interstate Highway 80 then via Interstate Highway 80, U.S. Highway 101 and the Airport Access Road to the passenger terminal at San Francisco International Airport.

Issued by California Public Utilities Commission.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 6 Oakland to San Francisco International Airport

Beginning in the City of Oakland then via the appropriate streets or highways to Interstate Highway 80 then via Interstate Highway 80, U.S. Highway 101 (Bayshore Freeway) and Airport Access Road to the passenger terminal of the San Francisco International Airport.

SECTION 3. SERVICE AREA DESCRIPTIONS.

1. Livermore Valley Service Area

The Livermore Valley Service Area consists of the City of Livermore plus the area bounded by Interstate 580, Greenville Road, Tesla Road, Livermore Avenue and the city limits of the City of Livermore.