

Mailed

APR 13 1988

Decision ~~88-04-019~~ APR 13 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Name: WHIPPET CHARTER SERVICE, INC.)
For authority to operate as a)
passenger stage corporation to)
provide home-to-work service)
between Milpitas, Fremont, Newark,)
Union City, Hayward, Dublin, and)
Livermore, on the one hand, and the)
United Airlines Maintenance Base at)
San Francisco International Airport)
(SFO) in South San Francisco, on)
the other hand.)
(Subject to 14-day protest period)
from initial filing date.))

Application 87-12-030
(Filed December 15, 1987)

O P I N I O N

Whippet Charter Service, Inc. (Applicant), doing business as Whippet Charter Service, proposes to provide home-to-work service on five routes. On each of these routes applicant proposes to carry passengers and their baggage from service points named in the route descriptions to the United Airlines Maintenance Base at San Francisco International Airport (UALMBSFO) in South San Francisco.

Applicant proposes to use the following equipment which it owns: two (2) 1957 GMC Buses with seating capacity of 41 passengers each, and one (1) 1965 GMC Bus with seating capacity 49 passengers. As a "backup", applicant has also one (1) 1968 GMC Bus to cover the route. Applicant previously had been certificated by the Commission, for two separate periods, as a passenger stage corporation, first as PSC-910 and second as PSC-1422, to provide home-to-work service from service points in Alameda and Santa Clara Counties to the United Airlines Maintenance Base at the San Francisco International Airport in South San Francisco. The authority granted in PSC-910 was revoked

on January 28, 1986, due to failure on the part of the carrier to respond to warnings from the Commission to file evidence of insurance with the Commission. The authority granted in PSC-1422 was a temporary authority and it expired on July 17, 1987.

At the time that the Commission was considering the application which led to the granting of PSC-1422, the staff received calls from former patrons of the revoked service who, because they were dependent on it as a home-to-work carrier, were anxious to have Whippet Charter Service back in business. Applicant provided these patrons with a unique service which no other carrier has stepped in to duplicate. This latter consideration led the Commission to the conclusion that public convenience and necessity required that the authority be granted, subject to Applicant filing evidence of insurance and having its vehicles approved for use by the California Highway Patrol. Applicant was admonished in the strongest terms that it must comply with the provisions of the Commission's General Order 101 series which concern the obligations of passenger stage corporations to maintain protection against liability. Applicant was placed on notice that any future violations of the Commission insurance or operating authority regulations would subject it to fines and penalties as provided by law.

Applicant's financial statement is attached to the Application and shows that applicant has total assets of \$34,135, and total liabilities and total stockholders' equity of \$8206 and \$25,929, respectively. Applicant proposes to make one round trip daily on each route, five (5) days a week. Applicant's proposed round trip fare is \$20.00 weekly or \$5.00 daily.

The application was listed in the Commission's Transportation Daily Calendar of December 22, 1987. No protest or request for hearing has been received.

Findings of Fact

1. Home-to-work commuter services play an important role in providing needed public transportation service.
2. This order should be effective on the date of issuance so that the needed service may be established as soon as possible.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted as set forth in the following order.
2. The order should be made effective today.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Whippet Charter Service, Inc., authorizing it to operate as a passenger stage corporation as defined in Public Utilities Code Section 226, between the points and over the routes as set forth in Appendix PSC-1458 of this decision, for the transportation of passengers and their baggage.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in its tariffs and timetables when the service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.

3. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to the applicant that it has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

4. The fares proposed in this application are authorized.

5. The application is granted as set forth above.

This order is effective today.

Dated APR 13 1988, at San Francisco, California.

STANLEY W. HULETT
President
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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

Victor Weissert
Victor Weissert, Executive Director

Appendix PSC-1458 WHIPPET CHARTER SERVICE, INC. Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1458

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 under authority of Decision 88 04 019, dated APR 13 1988,
of the Public Utilities Commission of the State of California, in
Application 87-12-030.

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

Whippet Charter Service, Inc., by this certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and their baggage between points described in Section 2, subject, however, to the authority of this Commission to change or modify this authority 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) Passengers shall be transported only between the service areas set forth, on the one hand, and the United Airlines Maintenance Base, on the other hand.
- (d) Service shall be operated only at times necessary to meet employee shift changes. Routes DS-RT1 and DS-RT2 shall be operated only to accomodate the day shift at the United Airlines Maintenance Base at San Francisco International Airport (UALMBSFO). Similarly, routes SS-RT1 and SS-RT2 shall be operated only to accomodate the swing shift, while route NS-RT1 shall be operated only to accomodate the night shift.
- (e) In the event of a strike, shutdown, or other closing of the airlines maintenance base, the service shall not be operated.
- (f) This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved.

SECTION 2: ROUTE DESCRIPTIONS

ROUTE NS-RT1. Newark/Union City/Hayward/UALMBSFO - Night
(Graveyard) Shift

Commencing with service points at the following locations:

- (1) Newark Blvd. and Jarvis Ave.,
Newark
- (2) Decoto Road and Clover St.,
Union City
- (3) Alvarado-Niles Road and Hartnell St.,
Union City
- (4) Alvarado-Niles Road and Almaden Blvd.,
Union City
- (5) Tennyson Road and Hesperian Blvd.,
Hayward

Then proceeding along the most appropriate streets and highways to the United Airlines Maintenance Base at San Francisco International Airport (SFO).

ROUTE DS-RT1. Newark to United Airlines Maintenance Base -
Day Shift

Commencing with service points at the following locations:

- (1) Mowry Ave. and Cedar Blvd.,
Newark
- (2) Cherry St. and Smith Ave.,
Newark
- (3) Newark Blvd. and Central Ave.,
Newark
- (4) Newark Blvd. and Mayhews Landing Road,
Newark
- (5) Newark Blvd. and Ruschin Drive,
Newark
- (6) Newark Blvd. and Jarvis Ave.,
Newark

Then proceeding along the most appropriate streets and highways to the United Airlines Maintenance Base at San Francisco International Airport (SFO).

Section 2: ROUTE DESCRIPTIONS (continued)

Route DS-RT2. Union City/Fremont/UALMBSFO - Day Shift
(continued)

Commencing with service points at the following locations:

- (1) Dyer St. and Smith Ave.,
Union City
- (2) Alvarado Niles Road and Almaden Blvd.,
Union City
- (3) Alvarado Niles Road and H
Street, Union City
- (4) Decoto Road and Clover,
Union City
- (5) Nicolet Ave. and Fremont Blvd.,
Fremont
- (6) Nicolet Ave. and Cabrillo Drive,
Fremont
- (7) Cabrillo Drive and Gibraltar St.,
Fremont
- (8) Cabrillo Drive and Ardo St.,
Fremont
- (9) Cabrillo Drive and Vincente St.,
Fremont

Then proceeding along the most appropriate streets and highways to the United Airlines Maintenance Base at San Francisco International Airport (SFO).

Route SS-RT1. Fremont/Newark/UALMBSFO - Swing Shift

Commencing with service points at the following locations:

- (1) Stevenson Blvd. and Blacow Road,
Fremont
- (2) Mowry Ave. and Farwell Drive,
Fremont
- (3) Newark Blvd. and Jarvis Ave.
Newark
- (4) Fremont Blvd. and Darwin Drive,
Fremont

Then proceeding along the most appropriate streets and highways to the United Airlines Maintenance Base at San Francisco International Airport (SFO).

Section 2: ROUTE DESCRIPTIONS (continued)

Route SS-RT2. Livermore/Dublin/Hayward/UALMBSFO - Swing
Shift (continued)

Commencing with service points at the following locations:

- (1) Portola Ave. and Rincon Ave.,
Livermore
- (2) Dublin Blvd. and Donlon Way,
Dublin
- (3) B Street and Pearl Ave.,
Hayward
- (4) Sleepy Hollow Ave. and Chiplay Ave.,
Hayward

Then proceeding along the most appropriate streets and highways to the United Airlines Maintenance Base at San Francisco International Airport (SFO).