

JUL 11 1988

ORIGINAL

Decision 88 07 030 JUL 8 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Abraham Newman for authority to)
operate as a passenger stage)
corporation between points in)
downtown San Francisco and downtown)
Sausalito.)

Application 88-03-060
(Filed March 28, 1988)

OPINION

Abraham Newman seeks authority under Public Utilities (PU) Code § 1031 to operate as a passenger stage corporation, as defined in PU Code § 226, between San Francisco and Marin Counties. Service will be provided between Sausalito and the area of San Francisco bordered by the San Francisco Bay, Townsend Street, Highway 101, and Gough Street. Proposed one-way fares are \$6.00 for adults and \$4.00 for children. Service will be offered 7 days a week from 9:00 a.m. to 10:00 p.m. Newman will use two vans having capacities of 11 and 13 passengers.

The application states that Newman has prior experience providing passenger transportation, including tour, airport shuttle, and on-call point-to-point services, primarily as an employee of a charter-party operator. It also states that he has sufficient financial resources to institute and operate the service. A financial statement included with the application shows that applicant has assets of \$2,642,000, consisting primarily of real estate holdings, liabilities of \$700,250, and a net worth of \$1,941,750.

Applicant maintains that the operation will have no significant adverse effect on the environment, and that public convenience and necessity require the granting of the application for the following reasons:

1. The proposed service is different and distinct from any other public transportation currently offered in the territory. There is no comparable alternate method of traveling between the points involved.
2. Applicant knows of no existing certificate authorizing services in the same territory which are similar to that proposed.
3. Applicant has received numerous requests from the riding public to provide the service.

The Rail/Transit Planning and Policy Branch of the Transportation Division (staff) advises that existing transportation services use 32 passenger buses, and that Newman hopes to attract a different consumer group by using vans. Staff notes further that Newman has responded to its data request concerning proposed service points by deciding to change the nature of the proposed service from scheduled routes to "on-call" service. A proposed certificate of public convenience and necessity prepared by staff states that "on-call" refers to "service which is authorized to be rendered on the demands of passengers". Staff recommends ex parte handling of the application.

Notice of the application was provided by the applicant to involved government entities. Copies of the application were provided to the involved transit operators. Notice also appeared on the Daily Transportation Calendar dated April 5, 1988. No communications or protests have been received. A public hearing is not required.

Findings of Fact

1. Public convenience and necessity require that the proposed service be established.
2. Applicant has the ability and financial resources to perform the proposed service.

3. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.

It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The application should be granted as set forth in the order. Since there are no protests, the order should become effective on the date it is signed.

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 the monopoly feature of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Abraham Newman, authorizing him 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-1465, to transport persons and 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 his tariffs and timetables when 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.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. Prior to initiating service to any airport, applicant shall notify the airport authority involved. 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.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he 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.

- 5. The application is granted as set forth above. This order is effective today.

Dated JUL 8 1988 , at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did not
participate.

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



Victor Weisser, Executive Director

AB

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

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 07 030, dated JUL 8 1988
of the Public Utilities Commission of the State of California, in
Application 88-03-060.

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

Abraham Newman, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to provide on-call services to transport passengers and baggage between certain points in the City and County of San Francisco, on the one hand, and the City of Sausalito, on the other, 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. All transportation of passengers shall originate at and shall be destined to the service points specified in Section 2. No service will be provided to or between intermediate points.
- d. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.

Issued by California Public Utilities Commission.

Decision 88 07 030, Application 88-03-060.

SECTION 2. AUTHORIZED POINTS OF ORIGIN/DESTINATION FOR ON-CALL SERVICE.

Route 1. Sausalito - San Francisco

Commencing with service point within the City of Sausalito, then proceeding along the most appropriate streets and highways to the San Francisco downtown service area as described in Section 3.

SECTION 3. SERVICE AREAS.

Service Area 1. San Francisco Downtown

Service Area 1 is bounded on the north by The Bay, bounded on the west by Gough Street, bounded on the south by Townsend Street onto Highway 101, and bounded on the east by The Bay.