

Decision 90 11 007 NOV 09 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Boris Dinerman, Vladimir)
Shapiro, and Semyon Kaplun, dba)
as Bay Shuttle, for authority to)
operate as a passenger stage)
corporation between points in)
San Francisco and San Mateo)
Counties and the San Francisco)
International Airport.)

ORIGINAL

Application 90-07-065
(Filed July 25, 1990)

O P I N I O N

Boris Dinerman, Vladimir Shapiro, and Semyon Kaplun (applicants), dba as Bay Shuttle, propose to provide Russian-speaking drivers for their passenger stage service from the City and County of San Francisco and certain points in the County of San Mateo to San Francisco International Airport (SFO) for a fare of \$9. The proposed fare from SFO to the service areas is \$8. Persons in wheelchairs will be charged \$25 one way.¹ The service will be on an "on-call" basis, seven days a week, 24 hours per day, operating with three 8-passenger vans.

On September 6, 1990, staff recommended that the application be granted by ex parte order.

¹ Public Utilities Code § 460.3(a) provides, however, that: "The commission shall prohibit any passenger stage corporation from charging any fare to, or imposing any other charge on, any physically disabled or handicapped passenger which is more than the fare or charge imposed on a passenger who is not physically disabled or handicapped for the same transportation or service, and shall approve no schedule of fares or charges which is discriminatory under this section." (See also §§ 460.3(b) and 453(b).)

We note that SFO is considering a moratorium on new van-type operations. Applicants' attorney has represented that applicants' proposed operation will be grandfathered in.

Applicants allegedly have the ability, equipment, and financial resources to perform the proposed service. Applicants allege public convenience and necessity require the institution of the proposed service. It is further alleged that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on July 30, 1990. In addition, notice of the filing of the application was served by applicants on all governmental agencies and regional transportation planning agencies within whose boundaries passengers will be loaded and unloaded. There have been no protests to the application.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. No protests to the application have been filed.
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. As no protests have been filed, this order should be effective immediately.
5. Applicant proposes to charge persons in wheelchairs \$25, instead of the standard \$8 fare, for a one-way trip to or from SFO.
6. A public hearing is not necessary.

Conclusions of Law

1. Persons in wheelchairs are "physically disabled or handicapped", as those terms are used in PU Code § 460.3.
2. The proposed fare for persons in wheelchairs is discriminatory under PU Code § 460.3 and should be prohibited.

3. Public convenience and necessity have been demonstrated, and a certificate should be granted to applicant.

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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Boris Dinerman, Vladimir Shapiro, and Semyon Kaplun, 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-6716, to transport persons and baggage.

2. Applicants 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 the 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 101, 104, and 158, 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. Before beginning service to any airport, applicants shall notify the airport's governing body. Applicants shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

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

5. Applicant shall not apply discriminatory fares to persons in wheelchairs.

6. Applicant shall apply its standard fares for passengers who are not disabled or handicapped to persons in wheelchairs and other disabled or handicapped persons.

7. Except as otherwise provided in Ordering Paragraphs 5 and 6, the application is granted as set forth above.

This order is effective today.

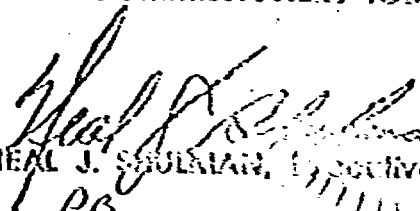
Dated NOV 09 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

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

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NEAL J. SHULMAN, Executive Director
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