

DEC 19 1990

Decision 90-12-054 December 19, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Craig M. Collins)
 dba Fast Transit for certificate of)
 public convenience and necessity to)
 operate as a Passenger Stage)
 (including express) service between)
 certain portions of San Bernardino)
 and Los Angeles counties, on one)
 hand and Los Angeles International)
 Airport and Ontario Airport, on the)
 other hand.)

ORIGINAL

Application 89-10-026
 (Filed October 12, 1989;
 amended May 11, 1990)

Craig M. Collins, for himself, applicant.
Sheryl L. Meshack, Assistant City Attorney, for
 Los Angeles Department of Airports, protestant.
Joe Formino, for Inland Express Service, Inc.,
 interested party.
MacDonald Ebi Esule, for the Transportation
 Division.

O P I N I O N

Craig M. Collins, an individual doing business as Fast Transit, requests authority under Public Utilities (PU) Code § 1031 et seq. to establish and operate an on-call passenger stage corporation service for the transportation of passengers and their baggage between points in the Counties of San Bernardino and Los Angeles, on the one hand, and Los Angeles International Airport (LAX) and Ontario Airport, on the other hand.

Protests having been filed by the Los Angeles Department of Transportation (LADOT) and the Los Angeles Department of Airports (LADOA), a duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Los Angeles on September 6, 1990, and the matter was submitted upon the receipt of additional information provided by applicant on September 23, 1990. LADOT did not appear at the hearing in support of its protest.

Applicant's Evidence

Applicant proposes to operate an airport shuttle service, when authorized by the Commission and by LADOA, together with an intercity commute service. He anticipates that he will commence service with five vans and be assisted by his brother and a consultant. Applicant's brother presently drives a van for a shuttle company and the consultant is manager of operations for an existing company.

An unaudited balance sheet was attached to the application showing total assets of \$40,000 and no liabilities as of May 1, 1990.

The application states that need for additional van services at airports is shown by the tremendous growth in airline travel and related ground transportation which has occurred since airline deregulation in 1978 (Decision (D.) 89-10-028, October 12, 1989).

LADOA's Evidence

LADOA passed Resolution 16832 on September 13, 1989 imposing a moratorium on new or additional shuttle van service to LAX and requiring the Los Angeles City Attorney to file opposition with the Commission opposing all new passenger stage corporation applications, except for applications for scheduled bus services, for the duration of the moratorium period.

Resolution 16832 states reasons for the moratorium as follows:

"WHEREAS, the airport and its roadways, curbsides, and other operational areas are being subjected to extreme congestion, double parking, illegal soliciting, unfair and harmful competition practices, and other problems created by the numerous PSC vehicles and their methods of operation; and

"WHEREAS, these problems continue to grow worse and it is imperative that the issues of permitting more vehicles to service the airport and regulating the methods by which they serve

the public must be studied and analyzed to determine what future actions should be taken by management and the Board of Airport Commissioners; and

"WHEREAS, the Landside Operations Bureau will study this matter and recommend appropriate solutions to the Board; ..."

The resolution includes authorization to formally request the Commission to place a blanket moratorium on authorizing new passenger stage corporations to provide service to and from LAX during LADOA's moratorium period.

LADOA's factual showing of the traffic congestion problems it is experiencing at LAX which led to the adoption of the moratorium resolution was introduced into evidence in Application 89-08-037 and discussed in D.90-06-041. We refer to and incorporate LADOA's presentation and our comments upon it in this decision.

Discussion

Applicant, his brother, and his consultant together demonstrate that they have the requisite driving and shuttle operation experience necessary to commence the proposed transportation service.

Applicant has adequate financial resources to support the acquisition of several new vans.

Need for applicant's service has been demonstrated in this proceeding by evidence that there has been a tremendous growth in airline travel and related ground transportation since airline deregulation in 1978, as found by the Commission in D.89-10-028.

Waiver of Proposed Decision

It is common in the case of airport shuttle service applications for applicants to move to waive the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure), which motion has been uniformly granted.

While applicant in this instance has not requested waiver of the comment procedure, we will make and grant such action on our own motion as the evidence shows a compelling present need for the proposed service.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
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 the evidence in this case shows a compelling present need for the proposed service, the order should be effective on the date of signing.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted.

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 Craig M. Collins, 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-6116, to transport persons, baggage, and/or express.

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 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, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that his evidence of insurance is 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 December 19, 1990, at San Francisco, California.

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

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY
[Signature]
JOHN B. OHANIAN, Executive Director
PB

T/NEE/ebi

Appendix PSC-6116

Craig Collins

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-6116

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 90-12-054, dated
December 19, 1990, of the Public Utilities Commission of the
State of California in Application 89-10-026.

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Issued by California Public Utilities Commission.

Decision 90-12-054, Application 89-10-026.

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

Craig Collins, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage, on-call, door-to-door basis, between certain points in the counties of Los Angeles and San Bernardino, described in Section 2, and Los Angeles International (LAX) and Ontario (ONT) Airports, on the one hand, and intercity commuter services between points in Los Angeles County and downtown Los Angeles, on the other hand, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the route at any time and subject to the following provisions:

- (a) This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) Only passengers originating from or destined to LAX, ONT or downtown Los Angeles shall be transported.
- (d) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which the authorized on-call services will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.

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SECTION 2. SERVICE AREA DESCRIPTIONS

Los Angeles County

Includes all points within the geographical limits of the cities of Arcadia, Alhambra, Azusa, Baldwin Park, Beverly Hills, Bradbury, Culver City, Covina, Claremont, Diamond Bar, Duarte, El Monte, El Segundo, Glendora, Inglewood, Industry, Irwindale, La Puente, La Verne, Manhattan Beach, Monrovia, Monterey Park, Montebello, Pico Rivera, Pomona, Rosemead, San Dimas, San Gabriel, Santa Monica, South Pasadena, Temple City, Walnut, West Covina, West Hollywood, and the following zip code communities within the City of Los Angeles:

90004, 90005, 90006, 90010, 90011, 90012, 90013, 90014, 90015, 90017, 90019, 90020, 90021, 90022#, 90023, 90024, 90026, 90027, 90028, 90029, 90032, 90033, 90034, 90035, 90036, 90038, 90039, 90042, 90043, 90045, 90046, 90048, 90049, 90057, 90063#, 90065, 90067, 90068, 90069, 90071, 90077, 90079, 90202#, 90272, 90292#, 90293, 91604#, and 91608# (# unincorporated Los Angeles County).

San Bernardino County

Includes all points within the geographical limits of the cities of Chino, Colton/Grand Terrace, Fontana, Loma Linda, Mont Clair, Redlands, Rialto, San Bernardino, Upland, and the zip code communities of Bloomington and Guasti.

SECTION 3. ROUTE DESCRIPTIONS

Route 1. Airport Service

Commencing at LAX or ONT, then via the most convenient streets and highways to points within the service areas described in Section 2.

Route 2. Intercity Commuter Service

Commencing at downtown Los Angeles, then via the most convenient streets and highways to points within the Los Angeles County service area described in Section 2.

Issued by California Public Utilities Commission.

Decision _____ 90-12-054 _____, Application 89-10-026.