

APR 24 1991

Decision 91-04-057 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BRIAN GEORGE EDGAR, dba OAKAirporter )  
for authority to operate as a )  
passenger stage corporation in the )  
counties of Alameda, Contra Costa )  
and Downtown San Francisco, )  
California. )

ORIGINAL  
Application 90-12-056  
(Filed December 26, 1990;  
amended February 13, 1991)

OPINION

Brian George Edgar, dba OAKAirporter, (applicant) seeks authority under Section 1031, et seq., of the Public Utilities Code to operate between points in Alameda and Contra Costa Counties, and the downtown section of San Francisco, on one hand, and the Oakland and San Francisco International Airports, on the other hand. He already operates as a charter carrier under TCP-6367P.

Applicant proposes to perform a regularly scheduled service on a seven-day-a-week basis. Only passengers originating at or destined to Oakland or San Francisco International Airports will be carried.

All of applicant's proposed operations will use vehicles supplied by owner-operators. Each vehicle carries from 7 to 11 passengers plus driver. All are air conditioned, luxury model Chrysler products. Applicant will have those vehicles, or any other vehicle he uses, covered by liability insurance in the amounts that meet or exceed the minimum required under General Order No. 101-C.

Applicant's vehicles will be garaged, serviced, and maintained at his present vehicle facilities located in San Pablo. Servicing and maintenance will be performed with the assistance of outside firms for major items as necessary.

Applicant alleges that the granting of the authority for the proposed operation would have no significant adverse effect upon the environment of the areas to be served. On the contrary, applicant believes that his service would be a benefit to the environment and to the public by reducing the number of private vehicles on the road.

Applicant alleges that public convenience and necessity require the granting of this application for the following reasons:

1. The service offered by the applicant is different and distinct from any public transportation system currently being offered to the public in the proposed areas; there is no comparable alternate method of traveling from the points listed herein to the Oakland and San Francisco International Airports at the proposed fares and with the regularity and convenience proposed herein.
2. To applicant's knowledge, a certificate of public convenience and necessity exists presently to provide certain services to this territory. Applicant does not believe that his proposal will conflict with the competing service because his service will make transportation more personal and more comfortable, and because his pick-up points will be more convenient.

On March 21, 1991, the Commission's Transportation Division recommended that the application be granted.

Findings of Fact

1. Notice of filing of the application appeared in the Daily Transportation Calendar on December 31, 1990. In addition, notice of the filing of the application was served by applicant 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.

2. Applicant has the ability, equipment, and financial resources to perform 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 no protests have been filed, this order should be effective immediately.

5. A public hearing is not necessary.

Conclusion of Law

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.

ORDER

**IT IS ORDERED that:**

1. A certificate of public convenience and necessity is granted to Brian George Edgar, dba OAKAirporter, 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-6367 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 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, 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 the 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. This order disposes of this application.

Dated April 24, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SAULMAN, Executive Director  
pb

Appendix PSC-6367

Brian George Edgar

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-6367

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

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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.  
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Issued under authority of Decision 91-04-057,  
dated April 24, 1991, of the Public Utilities Commission of  
the State of California in Application 90-12-056.

I N D E X

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS .....	2
SECTION II. ROUTE DESCRIPTIONS .....	3
SECTION III. SERVICE AREAS .....	4

Issued by California Public Utilities Commission.

Decision 91-04-057, Application 90-12-056.

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

Brian George Edgar, an individual, 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 a scheduled basis, between the points described in Section II, and Oakland (OAK) and San Francisco (SFO) International Airports, over and along the routes described in Section III, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. No passengers shall be transported except those having a point of origin or destination either at OAK or SF.
- d. 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.

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SECTION II. SERVICE AREAS.

Counties of Alameda and Contra Costa

Downtown San Francisco

Bounded by the San Francisco Bay on the East and North, Gough and Valencia Streets on the West, and 14th, Alameda and Berry Streets on the South.

SECTION III. ROUTE DESCRIPTIONS.

SCHEDULED SERVICE

Route 1 - Downtown Oakland - OAK

Commencing from Oakland International Airport to the following Oakland hotels:

Hyatt Regency, 1001 Broadway  
Washington Inn, 495 10th Street  
Waterfront Plaza, 10 Washington  
Thunderbird Inn, 233 Broadway  
Lake Merritt, 1800 Madison Street  
London Lodge Motor Inn, Seventh & Broadway

Route 2 - Rodeo - OAK

Commencing from Oakland International Airport to:

Shopping Center, Rodeo  
Shopping Center, Hercules  
Pinole Valley Lanes, Pinole  
Days Inn, Hilltop Mall, Richmond  
Travelodge, Potrero Avenue, El Cerrito  
Marriott Marina, 200 Marina Blvd, Berkeley  
Holiday Inn, 1800 Powell Street, Emeryville  
Days Inn, 1603 Powell Street, Emeryville  
Hyatt Regency, 1001 Broadway, Oakland  
Washington Inn, 495 10th Street, Oakland  
Waterfront Plaza, 10 Washington Street, Oakland

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SECTION III. ROUTE DESCRIPTIONS (Concluded).

SCHEDULED SERVICE (concluded)

Route 3 - San Francisco - OAK

Commencing from Oakland International Airport to the following San Francisco hotels:  
Marriott Hotel at Moscone Convention Center  
Westin St. Francis Hotel at Union Square

ON -CALL SERVICE

Commencing from Oakland International Airport then to any point or place in the counties of Alameda and Contra Costa and Downtown San Francisco as described in Section II.

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