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Decision 91-06-046 June 19, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of David E. Munoz for )  
 a home-to-work passenger stage )  
 authority between Tracy, Livermore, )  
 Dublin, San Leandro and Hayward and )  
 United Airlines Maintenance Base in )  
 South San Francisco. )  
 (PSC-7138) )

**ORIGINAL**

Application 91-02-093  
(Filed February 22, 1991)

OPINION

David E. Munoz, an individual doing business as Super Trans (applicant), seeks a certificate of public convenience and necessity to establish and operate a passenger stage service for the transportation of passengers between Tracy, Livermore, Dublin, San Leandro, Hayward, and the United Airlines Maintenance Base in South San Francisco, San Mateo County. Although not specifically stated in the application, the passenger stage operations contemplated by the applicant are obviously designed to serve United Airline employees who commute to work from outlying areas in San Joaquin and southern Alameda Counties.

Applicant proposes to provide regularly scheduled service mornings, afternoons, and evenings five days per week, Monday through Friday, at times convenient for commuters. Proposed pickup points for each of the outlying locations are identified in the application.

Applicant states that he has an agreement with an undisclosed party to lease a 1960 GMC PD4104 bus with a 41-passenger seating capacity. To insure the availability of equipment, applicant has an agreement to obtain "loaners" on short notice. Applicant opines that the availability of this equipment will suffice to perform the proposed service.

Applicant states that he intends to employ drivers who currently possess the appropriate drivers' licenses and are also currently employed by United Airlines. Presumably there is no conflict between the two types of employment that would impair the reliability or viability of the proposed service. Service and maintenance will be performed by the applicant and one other mechanic. Applicant states that he has ten years of experience in bus maintenance, and therefore has the expertise necessary to maintain the equipment for this service.

Although applicant's financial statement shows a net worth of \$64,000, most of this sum appears to be in the form of equity in buildings and land. Cash on hand is only \$2,000. This is a slender thread to support the startup of a passenger stage service, but the specialized nature of the service and the circumstances of the operation would appear to justify startup. For the protection of passengers, however, only the daily and weekly fares proposed by the applicant are authorized for this service, and Commission approval will be required in the event of cessation of operations. Collection of monthly or other long-term commutation fares will not be allowed without specific approval by this Commission.

The Commission has received no protests in this proceeding, and we therefore presume that the application is unopposed by affected transit operators or competing passenger stage carriers. On this basis the Commission's staff has recommended approval of the application by ex parte order.

Despite the fact that this bus service will start on a shoestring, the Commission encourages free entry of home-to-work passenger stage operations wherever a need exists. We take official notice of the growing problems of traffic congestion and air pollution in the greater Bay Area, and particularly in the areas which will be served, and we believe that any effort to get commuters out of their private automobiles and onto mass transit

vehicles will benefit the public as a whole. We therefore approve the application, subject to applicant's compliance with the Commission's liability insurance requirements and other conditions contained in the appendix hereto.

Findings of Fact

1. Applicant seeks to operate a passenger stage service for the transportation of passengers between Tracy, Livermore, Dublin, San Leandro, Hayward, and the United Airlines Maintenance Base in South San Francisco, San Mateo County, five days per week, on routes and schedules designed to serve the day, swing, and midnight shifts for United Airlines Maintenance Base employees.

2. Applicant has sufficient equipment available to operate the contemplated service.

3. Applicant has properly licensed drivers available to operate applicant's buses.

4. Applicant has sufficient qualified maintenance personnel to insure that applicant's buses will be properly maintained and serviced.

5. Applicant's cash on hand is sufficient to enable the startup of applicant's proposed service, considering the nature of the service and the circumstances of its operation.

6. The proposed service is designed to be utilized by employees of the United Airlines Maintenance Base in lieu of commuting to work in their private automobiles.

7. Notice of the application was published in the Commission's Daily Transportation Calendar on March 5, 1991.

8. The Commission has received no protest to this application from any public transit operator or passenger stage carrier serving the territory applicant proposes to serve.

9. Granting of this application will have no adverse effect upon the environment.

10. Public convenience and necessity require operation of applicant's passenger stage service.

Conclusion of Law

The application should be granted, subject to the terms and conditions set forth in the certificate attached as Exhibit A to the order.

ORDER

**IT IS ORDERED that:**

1. A certificate of public convenience and necessity is granted to David E. Munoz authorizing him to operate as a passenger stage service between the points and over the routes set forth in Appendix PSC-7138, 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 Public Utilities (PU) Code § 403 when notified by mail to do so.
  - g. Comply with PU Code §§ 460.7 and 1043 relating to workers' compensation laws of this State.

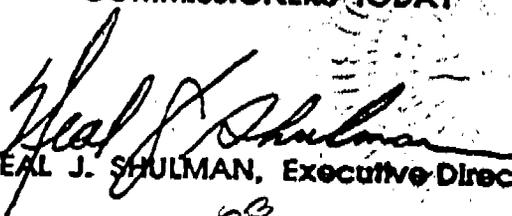
3. Before beginning service to any airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

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, but in no event any sooner than the 10th day following the effective date of this order.

5. The application is granted as set forth above.  
This order becomes effective 30 days from today.  
Dated June 19, 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. SHULMAN, Executive Director

Appendix PSC-7138

David E. Munoz

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-7138

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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 91-06-046,  
dated June 19, 1991 of the Public Utilities  
Commission of the State of California in Application 91-02-093.

I N D E X

	Page
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS .....	2
SECTION II. SERVICE AREAS .....	3
SECTION III. ROUTE DESCRIPTION .....	4

Issued by California Public Utilities Commission.

Decision 91-06-046, Application 91-02-093.

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

David E. Munoz, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport only home-to-work passengers and their baggage between areas and points described in Sections II and III, respectively, subject, however, to the authority of this Commission to change or modify the routes or service areas 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. Service will be operated only at the designated service areas and service points listed in Section II.
- c. Service shall be operated on a scheduled basis. Such schedules shall be the timetable filed with the Commission.
- d. Home-to-work passengers means persons who are transported from their home locations to their work locations and or vice versa.

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SECTION II. SERVICE AREAS.

The cities of Tracy, Livermore, Dublin, San  
Leandro and Hayward

Tracy - Tracy Blvd & Grantline Rd

Livermore - Portola & I Street

Dublin - Dublin Blvd & Regional

San Leandro - Hesperian & 238 overpass

Hayward - Jackson & Amador

United Airlines Maintenance Base - South San Francisco

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SECTION III. ROUTE DESCRIPTIONS.

Route 1 Days

Commencing from:

1. Tracy Blvd & Grantline Rd - Tracy
2. Portola & I Streets - Livermore
3. Hesperian & 238 overpass - San Leandro

then proceeding along the most appropriate streets and highways to United Airlines Maintenance Base, South San Francisco.

Route 2 Afternoon (Swing)

Commencing from:

1. Tracy Blvd & Grantline Rd - Tracy
2. Portola & I Streets - Livermore
3. Jackson & Amador Streets - Hayward
4. Dublin Blvd & Regional - Dublin

then proceeding along the most appropriate streets and highways to United Airlines Maintenance Base, South San Francisco.

Route 2 Midnight

Commencing from:

1. Tracy Blvd & Grantline Rd - Tracy
2. Portola & I Street - Livermore

then proceeding along the most appropriate streets and highways to United Airlines Maintenance Base, South San Francisco.

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