

Mailed

SEP 9 1991

Decision 91-09-011 September 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Douglas W. LaMar, dba Bay Area Share )  
Ride for certificate of public )  
convenience and necessity for )  
authority to operate as a passenger )  
stage corporation between points in )  
Alameda, San Mateo, and Santa Clara )  
Counties and the San Francisco and )  
San Jose International Airports. )

ORIGINAL

Application 91-05-007  
(Filed May 6, 1991)

OPINION

Douglas W. LaMar, doing business as Bay Area Share Ride, requests a certificate of public convenience and necessity to operate as a passenger stage corporation. LaMar proposes to perform on-call service, as requested by prior arrangement, between the counties of Alameda, San Mateo, and Santa Clara, on the one hand, and San Francisco International Airport (SFO) and San Jose International Airport (SJO), on the other hand. Only passengers originating at or destined to SFO or SJO will be carried.

LaMar proposes to use sub-carriers who hold authority from this Commission to operate as charter-party carriers of passengers. The sub-carriers will provide both luxury vehicles and drivers pursuant to written agreements. The sub-carriers' liability insurance policies will name LaMar as an additional insured, and LaMar intends to maintain in effect a \$750,000 umbrella liability policy. LaMar will conduct monthly inspections of the sub-carriers' vehicles to ensure operational safety and California Vehicle Code compliance.

LaMar alleges that the proposed services are more convenient than the public transportation systems currently

offered. He will provide personal limousine service to and from points designated by clients. LaMar has secured letters of support for the proposed service. LaMar notes that while other licensed carriers provide similar services, their rates are substantially higher than his proposed rates, and they are unable to wholly satisfy the need for their services. LaMar's proposed fares range from \$27 plus 15% for several of the proposed service points to a high of \$68 plus 15% for service between Gilroy and SFO.

A balance sheet included with the application shows that as of March 31, 1991 LaMar had total assets of \$713,300, total liabilities of \$352,100, and a net worth of \$361,200. A pro forma statement of income and expenses for the first 12 months of operations shows that the anticipated operations will be profitable and self-sustaining.

Applicant has satisfied our requirements for showing that public convenience and necessity require the proposed operations. We note that applicant proposes to maintain liability insurance in the amount of \$750,000. That amount is the minimum liability protection required by General Order 101-E for passenger stage corporations operating vehicles with seating capacities of 7 or fewer passengers. Applicant does not specify the seating capacities of the vehicles to be used in the proposed service. We place LaMar on notice that under General Order 101-E, operation of vehicles with greater seating capacity requires that he secure greater liability protection.

#### Findings of Fact

1. Notice of the filing of the application appeared on the Daily Transportation Calendar dated May 10, 1991.
2. No protest was filed within the 30-day period set forth in Rule 8.3 of the Commission's Rules of Practice and Procedure.
3. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.

4. Applicant proposes a distinct service using luxury vehicles, and the proposed fares are lower than those of other authorized carriers.

5. The demand for the type of service proposed by applicant is not wholly met by other authorized carriers.

6. Applicant has sufficient financial resources to institute and operate the proposed service.

Conclusions of Law

1. Public convenience and necessity require the granting of the requested certificate.

2. The application is uncontested, and a hearing is not necessary.

3. The application should be granted.

4. Since there is a current need for the proposed service, the order should be made effective today.

The State may grant any number of operative rights and may cancel or modify the monopoly feature of those rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Douglas W. LaMar, authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, between the points and over the routes set forth in Appendix PSC-7252, to transport persons and their 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 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. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.

7. This is a final order and the proceeding is closed.  
This order is effective today.  
Dated September 6, 1991, at San Francisco, California.

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

I abstain.

/s/ G. MITCHELL WILK  
Commissioner

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

  
NEAL J. SHULMAN, Executive Director

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-7252

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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 91-09-011,  
dated September 6, 1991, of the Public Utilities Commission of  
the State of California in Application 91-05-007.

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Issued by California Public Utilities Commission.

Decision 91-09-011, Application 91-05-007.

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

Douglas W. LaMar, 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 an "on-call" basis, between the points described in Section II, and San Francisco (SFO) and San Jose (SJC) International Airports, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route 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. 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.
- c. No passengers shall be transported except those having a point of origin or destination either at SFO or SJC.
- 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.

Following are the listed service points located in the following counties:

San Mateo County

Atherton  
Belmont  
Burlingame  
Foster City  
Hillsborough  
Menlo Park  
Menlo Park Sharon Heights  
Palo Alto  
Palo Alto Hills  
Portola Valley  
Redwood City  
San Carlos  
San Mateo  
Woodside

Alameda County

Fremont  
Hayward  
Newark  
Union City

Santa Clara County

Campbell  
Cupertino  
Gilroy  
Ladera  
Los Altos  
Los Altos Hills  
Los Gatos  
Milpitas  
Monte Sereno  
Morgan Hill  
Mountain View  
San Jose  
Santa Clara  
Saratoga  
Sunnyvale

## SECTION III. ROUTE DESCRIPTION.

ON-CALL SERVICE

Commencing from any service point as described in Section II, then over the most convenient streets and highways to either San Francisco or San Jose International Airports.

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