

Decision 91-09-053 September 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ROMAN and LAZAR SHAPIRO, dba)
SHUTTLE AMBU CARE SERVICE, for)
Authority to Operate as a)
Passenger Stage Corporation)
Between Points in San Francisco)
City and County and the San)
Francisco International Airport.)

ORIGINAL

Application 91-06-053
(Filed June 27, 1991;
amended July 16, 1991)

OPINION

Applicants Roman and Lazar Shapiro, doing business as Shuttle Ambu Care Service, propose to operate a passenger stage service between the San Francisco International Airport (SFO) and points in San Francisco. They plan to use a seven-passenger van on an on-call basis. The van has been reconfigured to accommodate two passengers in wheelchairs, a lift, and seats for four other passengers.

Applicants allegedly have the ability, equipment, and financial resources to perform the proposed service. Public convenience and necessity allegedly require the institution of the proposed service. Applicants note that one other carrier, Medi Van offers airport service to wheelchair users, but at a much higher rate. SuperShuttle has a similar service, but only one of its vehicles is configured to handle a single wheelchair. According to SFO's statistics, between 1,000 and 2,000 patrons in wheelchair use the airport each month.

Applicants have operated non-airport service within the city limits for several months. It is also noted that the applicants speak Russian, a great convenience for patrons who are only comfortable in that language.

Jurisdiction

If applicants' vehicle were to provide service solely to wheelchair (or gurney) users and persons accompanying them, it would clearly be within the classification of "medical transportation vehicle" (cf. Jerry's Ambul-Cab Decision No. 90069 in Application No. 10125 and related cases); under Public Utilities (PU) Code § 226 (d), its operation would not be subject to this Commission's jurisdiction.

However, the amendment to the application makes it clear that applicants will provide service to able-bodied persons other than those accompanying wheelchair users. This part of its operation will fall under our jurisdiction. The certificate we will issue and the tariffs and timetables to be filed will cover only the jurisdictional transportation.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on July 1, 1991. 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. On August 5, 1991, our Transportation Division Staff distributed and filed an Advice of Participation recommending that the application be granted without hearing.

Findings of Fact

1. Applicants have the ability, equipment, and financial resources to perform the proposed service.
2. No protests to the application have been filed.
3. As no protests have been filed, this order should be effective immediately.
4. A public hearing is not necessary.

Conclusions of Law

1. Public convenience and necessity have been demonstrated, and a certificate should be granted to applicants.

2. Applicants' operation, at least in part, will not be that of a medical transportation vehicle.

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 Roman and Lazar Shapiro, doing business as Shuttle Ambu Care Service, 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-7213, to transport persons and their 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 applicants 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. Applicants shall comply with Public Utilities Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated September 25, 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

T/MM

Appendix PSC-7213

Roman Shapiro
and Lazar Shapiro

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7213

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 91-09-053, dated September 25,
1991 of the Public Utilities Commission of the State of California
in Application 91-06-053.

T/MM

Appendix PSC-7213

Roman Shapiro
and Lazar Shapiro

Original Page 1

I N D E X

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

Issued by California Public Utilities Commission.

Decision 91-09-053, Application 91-06-053.

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

Roman Shapiro and Lazar Shapiro, 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 International Airport (SFO), 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 at SFO.
- 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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Decision 91-09-053, Application 91-06-053.

T/MM

Appendix PSC-7213

Roman Shapiro
and Lazar Shapiro

Original Page 3

SECTION II. SERVICE AREA.

San Francisco City and County

SECTION III. ROUTE DESCRIPTION.

ON -CALL SERVICE

Commencing from any point or place in the Service Area described in Section II then over the most convenient streets and highways to San Francisco International Airport.

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