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Decision 92-11-007 November 6, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Angelo Abed, an individual, doing)
 business as USA Airport Shuttle to)
 amend passenger stage corporation)
 certificate PSC-7569 to operate)
 between points within Marin County)
 and Oakland International Airport.)

ORIGINAL

Application 92-08-038
(Filed August 24, 1992)

O P I N I O N

Angelo Abed (applicant), an individual, doing business as USA Airport Shuttle, seeks to amend his certificate of public convenience and necessity under Public Utilities (PU) Code § 1031, et seq., to provide "on call" door-to-door passenger stage service between hotel, business, and residential areas in the County of Marin to the Oakland International Airport.

Only passengers originating at or destined to the Oakland International Airport will be carried. The service will operate 24 hours a day, seven days a week (including holidays). Initially, two seven-passenger vans will be used. Adult one-way fares will range between \$20 (San Rafael) to \$24 (Sausalito).

As evidence of his experience in airport shuttle operation, applicant notes that on July 22, 1992, he was granted authority by this Commission (Decision 92-07-042), to operate as a passenger stage corporation providing "on call" service in Alameda, Contra Costa, and Solano Counties. On July 28, 1992, he was issued a permit to operate as a charter-party carrier (TCP 7569-P). He has prior knowledge and experience of the proposed area based on operating prearranged charters between the Oakland Airport and Marin County as the former co-partner of United Shuttle Association (TCP 6929-P).

Applicant's financial statement shows that he has adequate financial resources in that he owns four vans and has sufficient cash in the bank to sustain the enterprise he proposes for a reasonable period of time.

Oakland International Airport management believes there is a need for additional ground transportation and supports applicant's proposed service between the airport and Marin County.

The application appeared in the Commission's Transportation Calendar on September 2, 1992. No protests have been received.

The Commission staff reviewed the application and recommend that in the absence of any protest, the application be granted ex parte. We agree.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed on-call service.

2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

3. Public convenience and necessity require the proposed on-call service.

4. As there appears to be an immediate need for the proposed service, this order should be effective on the date of signing.

5. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve. No hearing is necessary.

Conclusion of Law

Public convenience and necessary have been demonstrated, and a certificate should be granted ex parte.

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. The certificate of public convenience and necessity granted to Angelo Abed, an individual, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, to transport persons and baggage, between the points and over the routes set forth in Appendix PSC-7569 of Decision 92-07-042, as amended, is further amended by replacing Original Pages 2 and 3 with First Revised Pages 2 and 3.
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.

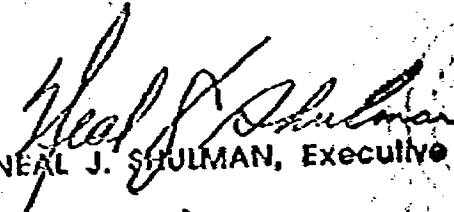
5. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this State.

6. The application is granted as set forth above.
This order is effective today.

Dated November 6, 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director

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

Angelo Abed, an individual, by the *revised 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 cities and communities in the counties of *Marin, Solano, Contra Costa, and Alameda, as described in Section II, on one hand, and the Martinez (MAMTRK) and Richmond (RAMTRK) Amtrak Stations, San Francisco (SFO) and Oakland (OAK) International Airports, on the other hand, *except as noted in Section III, subject, however, to the authority of this Commission to change or modify this authority 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 either SFO, OAK, MAMTRK, or RAMTRK.
- 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.

Issued by California Public Utilities Commission.

*Revised by Decision 92-11-007, Application 92-08-038.

SECTION II. SERVICE AREA.

A. Cities and communities in the counties of Solano, Contra Costa, and Alameda.

*B. Points or places in the following communities of Marin County:

- | | |
|----------------|-------------|
| Belvedere | Larkspur |
| Corte Madera | Marin City |
| Fairfax | Marinwood |
| Hamilton Field | Mill Valley |
| Kentfield | Terra Linda |
| Ross | Tiburon |
| San Anselmo | Sausalito |
| San Rafael | |

SECTION III. ROUTE DESCRIPTION.

Route 1 - Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to either SFO, OAK, MAMTRK or RAMTRK.

*Route 2 - Commencing from any point as described in Section IIB, then over the most convenient streets, expressways, and highways to OAK.

Issued by California Public Utilities Commission.

*Revised by Decision 92-11-007, Application 92-08-038.