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ORIGINAL

Decision 82 07 034 JUL 21 1982

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of FRANCISCO, MANUEL and AURELIO )  
 MEDINILLA, a partnership, dba )  
 EXPRESS TRANSIT DISTRICT for )  
 authority to operate as a pas- )  
 senger stage corporation. )

Application 60864  
 (Filed August 28, 1981;  
 amended November 13, 1981,  
 March 2, 1982, and  
 March 31, 1982)

In the Matter of the Application )  
 of IGOR GREENBERG, YEVGENY )  
 OSHEROVICH and BORIS GORBIS dba )  
 MAXI TAXI COMPANY, a partnership, )  
 for authority to operate as a )  
 passenger stage corporation. )

Application 82-02-68  
 (Filed February 26, 1982)

Francisco Medinilla, for Express Transit  
 District, applicant in A.60864; and  
Boris Z. Gorbis and Anatole B. Selivra,  
 Attorneys at Law, for Maxi Taxi Company,  
 applicant in A.82-02-68.  
Sarah Shirley, Deputy City Attorney, for  
 City of Santa Monica; Warren L. Spry,  
 for City of Culver City; Jack Allen,  
 Assistant City Attorney, and Tina Post,  
 Deputy City Attorney, for City of Beverly  
 Hills; James P. Jones, for United  
 Transportation Union; and Joseph A.  
Lyle and Don C. Grayson, Attorney at  
 Law, for Southern California Rapid  
 Transit District; protestants.  
Donald R. Howery, General Manager, by  
K. D. Walpert, for Department of  
 Transportation, City of Los Angeles,  
 interested party.  
Carl K. Oshiro, Attorney at Law, for the  
 Commission staff.

O P I N I O N

Introduction

Applicants Francisco, Aurelio, and Manuel Medinilla, a partnership, doing business as Express Transit District (ETD), and applicants Igor Greenberg, Yevgeny Osherovich, and Boris Gorbis, a partnership, doing business as Maxi-Taxi Company (M-T), each request a certificate of public convenience and necessity to transport passengers. ETD in Application (A.) 60864 and M-T in A.82-02-68 propose to provide jitney-type service, with vans seating 15 passengers, along several routes within Los Angeles County. ETD requests authority for 14 routes, and M-T seeks authority for 13 routes. The description of each route along with proposed schedules and fares is contained in the applications.

The essence of a jitney service as proposed by these applicants is that it traverses a fixed route for a fixed fare, stopping only when requested to do so by a passenger or when flagged by a prospective passenger on the street.<sup>1/</sup>

Both applicants allege that public convenience and necessity require the granting of the requested certificates. Several protestants and interested parties disagree. They include the Southern California Rapid Transit District (SCRTD), the City of Los Angeles, the United Transportation Union, and the City of Beverly Hills. The Cities of Santa Monica and Culver City expressed opposition as to M-T only. The Southern California Association of Governments sent us letters expressing its concern about each application, but

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<sup>1/</sup> ETD proposes to stop only at designated bus stops, while M-T proposes to stop at any "safe and permissible" location.

specifically stated it was not opposing the applications or the "general concept".

Because of the protests, these two applications were consolidated and set for hearing before Administrative Law Judge Colgan in Los Angeles. The hearing commenced on May 4, 1982 and continued through May 10, 1982 when the matter was submitted pending receipt of written closing statements due by May 17, 1982. With minor exception, the direct testimony was submitted in writing in advance of the hearing.

ETD's Showing

ETD's application requests authority for 14 routes between Beverly Hills, West Los Angeles, and central Los Angeles. It proposes using a total of 42 vehicles (with an additional 4 spares) to make an average of six round trips per day per route between the hours of 6 a.m. to 10 a.m. and 3 p.m. to 7 p.m., charging a promotional fare of 75¢ during the first two months of operation after which a basic fare of \$1, with a reduced fare of 50¢ for elderly and handicapped passengers, will be charged.

ETD's witnesses testified that the partnership presently owns 16 vehicles and has ordered 30 more vehicles from National Coach Corporation contingent on the granting of this application. They will be ready within 120 days of such authorization. The buses meet all federal and state safety specifications. There was extensive testimony indicating the adequacy of maintenance provisions for the vehicles.

ETD's partner, Francisco Medinilla, testified that while another passenger carrier, SCRTD, is serving these proposed routes, the persons ETD seeks to serve are not making use of the SCRTD services but, instead, are driving their own cars. He pointed to statistics gathered by SCRTD which indicate that 50% of the people working in the central business district of Los Angeles (which most of these routes intersect) drive their own automobiles. Medinilla also testified that based on the study conducted by the Pro-mueva advertising agency for ETD, he concludes that 80% of the employees at each of the commercial complexes which ETD passes drive to work. He stated that it is ETD's intent to solicit the patronage of these persons by radio, television, and newspaper advertising and by contacting individual employers along the route.

Medinilla pointed out that while ETD fares would be higher than those charged by SCRTD, the fares might be lower than downtown parking and auto maintenance. He claimed that the attraction of ETD jitneys would be guaranteed seating, shorter "headways" (lag time) between buses, faster trips, drivers carrying \$5 in change for customer convenience, and freedom from perceived risk of experiencing vandalism, crime, and abuse. This latter element would be achieved, he said, because of the size and lack of crowding on the vehicles and the radio communication which the driver will have with home base.

ETD witnesses testified that the demand for such service is implicit in the number of persons who use their own vehicles to commute to work and the crowding generally observed on SCRTD vehicles on these routes during peak hours--the only hours when ETD plans to operate.

ETD's financial ability to render this service was also addressed. The most recent financial statement indicates current assets of \$512,850 and current liabilities of \$134,000, with signed statements from 40 individuals claiming to be willing and able to invest \$10,000 each in ETD.

Medinilla testified that initially all drivers would also be investors, but that in their capacity as drivers they would be employees of ETD and bound by the rules and regulations of ETD. Further, he testified that all drivers would work parttime, there would be two drivers per vehicle per day, and, among other operating rules, they would be permitted to stop only at designated bus stops.

Regarding the business experience of the partners, the evidence shows that Aurelio Medinilla is the owner of a small business, Francisco Medinilla has at least eight years of experience in management of a local business, and Manuel Medinilla has been a taxi driver for 12 years, owning several cabs in recent years.

M-T's Showing

M-T's application requests authority for 13 routes between Beverly Hills, Santa Monica, Culver City, West Los Angeles, and central Los Angeles. It proposes initially using 15 to 30 buses, with plans for up to 60 in the near future. Frequency over each route will be adjusted to meet demand with at least four buses per hour during peak periods. Service is proposed to be provided 14 hours per day throughout the week with an initial promotional fare of \$1 for the first six months, then to be raised to \$2, except that children under age 4 may ride free with a full-fare-paying adult, and children ages 4-10 will pay \$1.

The evidence indicated that M-T has a commitment for delivery of up to 60 vehicles from the same supplier and of the same sort being ordered by EDT within 120 days--30 to be delivered immediately upon the granting of the application. The vehicles are to be procured under a lease arrangement with Allstates Leasing Company. The vehicles meet all relevant safety specifications.

Like EDT, M-T alleges that while these routes are served by SCRTD and (to a lesser extent) the bus systems of Culver City and Santa Monica, negative impact on these systems "will be minimal if any at all" since M-T intends to appeal mostly to those who drive their cars on short runs and in regular commute. M-T offered evidence to show that it expected to "contribute to a more profitable operation of other transport modes" by enticing M-T passengers to leave

their cars at home thereby "permitting interface with the other transportation providers." M-T also cited studies which indicate that private minibus service can contribute to the efficiency of mass transportation systems by alleviating peak demands on the systems.

M-T's witness, Dr. Roger Teal, while advocating that M-T could reduce SCRTD's federal subsidy requirements by \$275,000 to \$500,000 annually, also testified that a percentage of SCRTD's riders (unspecified, but "much less than 19%") would become regular jitney riders and leave SCRTD.

Boris Gorbis, a partner in M-T, testified that the benefits to be derived from M-T's service over a regular bus include flexibility, demand-oriented frequency, time savings resulting from higher speed and easier accessibility, freedom from perceived risks to personal safety, greater comfort, convenience of bus design, courtesy of drivers, and cleanliness. He presented results of surveys in support of these contentions. The surveys were also explained by Teal and by Yevgeny Osherovich, another partner. Gorbis concluded that M-T's market would consist of "comfort and safety conscious individuals and riders who place a premium on the cost of their time." This latter group, he said, is divided between existing mass transit users and private auto users. He also noted that in selecting routes M-T looked for a combination of factors, including high population density and high aggregate income.

As to the issue of demand for such service, Gorbis testified that certain parameters of the survey done for M-T show a "powerful picture of demand for transportation services." He stated that the difference between the six-parameter profile presented by this survey compared with the same data for the average SCRTD rider indicates a "structural need for an alternative transportation mode."

M-T also showed its financial ability to render this service. The most recent financial statement shows current assets of \$680,600 and current liabilities of \$175,100.

With regard to maintenance of the vehicles M-T's partner, Igor Greenberg, is a specialist in auto and bus maintenance and repairs who is also the owner of the Van Nuys Car Care Center (Center). Osherovich, who has bus operations experience and training in management, is the manager of the Center. M-T will require diagnostic testing and regular preventive maintenance every two weeks at the Center. Most of the buses will be housed at the Center as well.

In addition to the experience of Greenberg and Osherovich described above, it was shown that collectively the partners to this proposed business have formal education in engineering, law, bookkeeping and business management, mass transit, economics and planning of carrier operations, and transit safety studies.



When fully operational, M-T plans to employ somewhere around 100 fulltime drivers and an undetermined number of part-time drivers who will be paid at the minimum hourly rate and retain their share of net profits as commissions. Communication between drivers and the central office will be by use of beepers and public telephones.

Finally, M-T presented testimony that its service would not have an adverse effect on the environment because it would displace at least 1,500 automobiles each day with 15 jitneys making an average of 32 round trips per day.

SCRTD's Position

SCRTD alleges that the routes of these applicants are similar or identical to its own and that applicants' service will skim patronage and revenues from ETD to the detriment of SCRTD's service. Joe Lyle, senior planner for SCRTD, testified that he is responsible for "day to day planning function covering surface operation" for a portion of SCRTD's area. He verified the allegation of route duplication and testified that the number of people using public transportation is not rising but has stabilized due to the increased availability and downward trend in pricing of petroleum, that SCRTD provides adequate levels of service 24 hours a day over all these routes, and that institution of these new services could create delays for SCRTD passengers and buses due to joint bus stop use. He also testified that he believes there would be a "skimming of revenues" during peak periods which would result in SCRTD's having to reduce or curtail services during less lucrative times of the day because SCRTD relies on peak period revenue to help subsidize nonpeak service. However, at another point he stated that he did not believe there would be a "deflection" of passengers from SCRTD to M-T.

He further testified that he believes M-T's lack of "tight schedule controls" could result in swarming of the drivers creating a serious accident hazard and severe traffic congestion. He did not explain why he believed this would happen. Besides swarming, Lyle described his related concern that M-T's drivers, whose amount of pay is to be contingent on the number of passengers they pick up, will engage in behavior which is unsafe or which violates M-T's regulations such as cutting in front of a bus or making illegal stops. He added that he did not believe that M-T's reliance on one or two field people and drivers informing on the improper behavior of one another would suffice to prevent this problem. He based this concern primarily on the dollar "hail-a-cab" service along Wilshire Boulevard which existed sometime within the last four years and lasted less than 60 days. He did not specify what it was about the service that led to these conclusions.

Lyle further stated his belief that M-T's proposed service would be neither convenient nor necessary. With respect to the issue of necessity, he stated that the jitneys would merely be interspersed among SCRTD's vehicles interfering with them and picking up SCRTD's passengers. He said he was concerned about the driving practices of M-T drivers and the existence of the jitneys on the streets.

Lyle admitted that SCRTD is a recipient of federal and state financial assistance. The federal assistance is to be phased out over the next three years.

Further, he stated that he agreed that service reliability, operator courtesy, vehicle cleanliness, availability of transit information, comfort, shortened travel time, and greater convenience were all factors that would attract riders who would otherwise use private automobiles.

Santa Monica's Position As To M-T

Contending that public convenience and necessity do not exist for M-T's proposed service, the director of transportation for the City of Santa Monica, J. R. Hutchison, testified that M-T Route DD duplicates 64% of Santa Monica Municipal Bus Lines (SMMBL) Route 2 and M-T Route RR duplicates 81% of SMMBL Route 3. He stated that these are two of SMMBL's strongest routes and that they have other routes which are not so strong and which are supported by the stronger routes.

He also testified about statistics and publications which indicate that transit ridership has declined in recent months in Santa Monica and generally nationwide--partly due to riders switching to private cars because of lower gasoline prices.

He stated that present SMMBL service on these two routes is adequate and overcrowding does not appear to be a problem. This he based upon lack of customer complaint, driver reports, and supervisors' on-street observations and recommendations. He added that there had only been one report of a pass-up by a SMMBL bus in the last three months.

Further, he testified that he believed M-T's service will tend to skim patronage and revenue from SMMBL's peak period service and strongest routes thereby negatively impacting the present level of SMMBL service even though SMMBL's fare is only 35¢.

Hutchison also testified that the federal government will phase out SMMBL's operating aid over a three-year period beginning in 1983. He said SMMBL presently receives \$3 million per year in federal assistance. This will be cut by \$1 million in 1983. However, he notes that the Supreme Court's recent favorable decision on Proposition A<sup>2/</sup> will generate an additional \$800,000 in income for Santa Monica in 1983. When questioned, he agreed that it is very expensive to provide incremental equipment that can only be used at rush-hour periods.

Position of the City of Culver City

The City of Culver City filed a protest as to M-T only. Culver City presented the testimony of its director of municipal services, Warren L. Spry, in support of its position.

Spry testified that he is responsible for the management and operation of the Culver City Municipal Bus Lines (CCMBL). He stated that approximately 100% of M-T's Route KK duplicates CCMBL's Route 1. The basic fare for CCMBL, like SMMBL's, is only

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2/ Los Angeles County Transportation Commission v Richmond (1982) 31 C 3d 197. This decision mandates the executive director of Los Angeles County Transportation Commission (LACTC) to implement the 1/2% sales tax that was enacted by the LACTC and approved by the voters of Los Angeles County by a simple majority in November 1980. He had refused to implement the measure upon the advice of the Attorney General that it was not adopted in accordance with the California Constitution Article XIII-A (Proposition 13). Revenues received from this tax are to be distributed by the LACTC for public transit purposes within Los Angeles County.

35¢. His testimony with respect to transit ridership trends, adequacy of service, overcrowding, and skimming of patronage and revenue from SCRTD was essentially the same as that offered by the witness for Santa Monica; however, Spry did concede that it would be difficult to estimate the impact of M-T's Route KK on Route 1 due to the fare difference.

Spry testified that CCMBL is subsidized by federal grants, which are declining, state funding, which he expects to decrease, city revenues, which are increasing, and that CCMBL expects to receive some Proposition A funds.

Position of City of Beverly Hills

In support of its opposition to both applications Beverly Hills offered the testimony of its director of transportation, Serop DerBoghossian. DerBoghossian described certain residential streets that would be adversely affected by turnarounds of applicants' vehicles. He also testified that in his opinion the displacement of 52 automobiles per hour at peak hour crossing the intersection of Wilshire Boulevard and Santa Monica Boulevard with 26 minibuses (assuming two autos for each M-T vehicle) would have no salutary effect on that very severely crowded intersection.

DerBoghossian admitted that the only M-T route that has a turnaround on residential streets is Route E-E which encompasses two residential streets, both of which streets happen to be dividing lines between the Cities of Beverly Hills and Los Angeles. The direction of the proposed turnaround would put the vehicles on the Los Angeles side only. DerBoghossian maintained, however, that these buses would still cause noise

pollution and safety hazards to the Beverly Hills side of these blocks. He also admitted that he was unfamiliar with the type vehicles proposed to be used by applicants but that based on the description set forth in the evidence submitted, the vehicles do not exceed the weight limitations for Beverly Hills residential streets. He also stated that he was not qualified to comment on the adequacy of SCRTD service to Beverly Hills. This witness's only testimony about ETD was that the 140-degree turn that ETD proposes to make at Wilshire Boulevard into Little Santa Monica is "extremely difficult". He further noted that operating buses on Little Santa Monica is not desirable because it is narrow.

Staff Position

Staff supports both applications. On behalf of its position staff presented the testimony of Victor Weisser, Director of the Transportation Division, and Vahak Petrossian, senior transportation engineer. Weisser testified about his extensive experience and education in areas related to public transportation, its planning, operations, and finance. He testified that jitneys of the sort proposed by these applications are presently operating in San Francisco and San Diego (see Public Utilities (PU) Code Section 1039). He testified that use of service such as that proposed by applicants will help alleviate the increasingly difficult task of financing peak demand for public transportation that is coming about as a result of the decline (total cessation in 1985) in federal operating assistance funds and increasing state economic difficulties which will likely result in reduced state assistance to public transportation operators.

He further testified that he believed these operations would not result in "skimming the cream" from SCRTD's service as others have claimed. Rather, he stated, they would be "skimming the deficit" by reducing capital investments in vehicles and related maintenance support facilities and equipment and labor for peak period demands. This peak-hour service, he stated, is the most costly to provide. Private jitney service, he concluded, can cut down the peaking problem.

Weisser also testified that he would support these applications even if SCRTD was meeting peak demand and addressing the problems of equipment and labor utilization because he believes the combination would be more attractive to the public and would help both SCRTD and the jitneys. And, he testified that it is highly likely that SCRTD ridership will increase when the 50-cent maximum fare mandated by the implementation of Proposition A takes effect. He noted that SCRTD might be able to avoid the resultant necessity of new buses and new drivers if jitney service were available.

Weisser suggested that due to the nature of the service proposed by these applications, staff should conduct an assessment of its impact during the first year and instigate action for modification before the Commission if that seems indicated by the assessment.

Finally, in response to a question about flagging a jitney from any location along the street, Weisser stated that while he is not a traffic engineer, he would be hesitant to permit this practice along the streets of the Wilshire Corridor during peak periods.

Petrosian prepared the staff report. It recommended granting ETD's application. At the hearing he testified that staff also recommends granting the M-T application. This was not included in the staff report because of certain insufficiencies in the M-T data initially filed. He also testified that staff's position remains basically unchanged despite the Supreme Court's decision on Proposition A. Further, he quoted admissions by John A. Dyer, general manager of SCRTD, appearing in SCRTD's annual report (Exhibit 17) regarding peak-hour overloading of buses between the west side and the central business district, and the inability of the present bus system to provide adequate public transportation throughout the urbanized area "specifically in the Wilshire Corridor" (applicants' primary area of emphasis).

Petrosian also testified to his observation that the establishment of new or additional transportation service generates its own passengers, and he corroborated several of the points made by Weisser.

#### Discussion

The jurisdiction of the Commission over these applications arises under PU Code Sections 1031 and 1032. The statutes require applicants to make a showing of public convenience and necessity. PU Code Section 1032 also says that the Commission may issue a certificate to operate in a territory "already served by a certificate holder under this part" only when that holder "will not provide such service to the satisfaction of the commission."



At least one protestant suggested that this section precludes the Commission from granting the requested authority absent applicants' showing that the existing carriers cannot and will not provide satisfactory service. Before going further it must be pointed out that the three carriers whose routes are overlapped by those proposed by applicants are all public entities and therefore are not "certificate holder/s" under this part" as the term is used in PU Code Section 1032. Therefore, protestants may not invoke this language on their behalf.

Another protestant suggests that PU Code Sections 30000 et seq. (the Southern California Rapid Transit District Law (SCRTDL)), specifically PU Code Section 30001(c), deprives the Commission of its jurisdiction in these matters. That very argument was rejected by the State Supreme Court in Los Angeles Metropolitan Transit Authority v Public Utilities Commission (1959) 52 C 2d 655. While the SCRTDL, originally called Los Angeles Metropolitan Transit Act of 1957 (LAMTA), has been amended to some extent since 1959, the relevant provisions remain unchanged. In the decision Justice Traynor, writing for the court, states:

"Unlike its limitations on certain of the commission's other powers, /footnote omitted/ the 1957 Act does not expressly curtail the commission's power to grant new certificates of public convenience and necessity in Los Angeles County, nor does it expressly provide that public convenience and necessity do not require additional privately-operated public transit services in that area. Moreover, we have concluded that such provisions may not be implied from the powers granted to /LAMTA, the predecessor to SCRTD/, the declaration of policy or both." (Emphasis added.) (52 C 2d 655, 662-663.)

We believe that decision is directly controlling in this case, and we therefore reject that basis of protest. It is noted that in that case the court also made the following observation:

" . . . It must be assumed that the commission will give heed to that legislative objective and not authorize privately-owned carriers to provide services that LAMTA is willing and able to provide and that the commission will not thereby impede the growth of LAMTA's system. . . ." (52 C 2d at 665.)

While the statement is only dictum, we agree that the limits it suggests are appropriate.

Therefore, in determining whether to grant these applications we have considered the willingness and/or ability of the three protestant transit services to provide the sort of service applied for and we have considered whether granting such service would impede the growth of these systems. We believe that proof of these issues must be in the nature of protestant rebuttal to the prima facie showing of public convenience and necessity made by applicants. They are not elements of public convenience and necessity which applicants are obliged to prove because the information, by its nature, is primarily available to those opposing the certification.

The record indicates that the proposed jitney services differ substantially from the service of a public bus line. Nothing in the record indicated any desire, willingness, or ability of SCRTD, CCMBL, or SMMBL to institute this sort of jitney service. Furthermore, there was no competent evidence offered to show that the jitney service would impede the growth of these systems.

Our statutes and regulations do not define the elements constituting public convenience and necessity. Aside from the technical filing requirements of Rules 2<sup>3/</sup> through 8, 15, 16, and 21, we have relied upon the case law in developing the factors which we deem appropriate to consider in determining whether public convenience and necessity sufficient to justify granting the certificate have been shown by applicants. The significance of these factors varies somewhat depending on the type of utility and the context of the case (see, for example, Silver Beehive Telephone Co., Inc. (1970) 71 CPUC 304, 307).

In this matter we have considered the following factors:

1. The public requirement for the service;
2. The adequacy of the existing service;
3. The ability of the proposed service to complement the existing service;
4. Technical feasibility of the proposed service;

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<sup>3/</sup> References to rules, unless otherwise stated, refer to Title 20 California Administrative Code sections.

5. Technical qualifications of the operator of the proposed service;
6. Financial ability of the operator of the proposed service; and
7. Economic feasibility of the proposed service.

We believe applicants have met their burden of proof on each of these factors.

As this Commission has previously stated:

"California needs an influx of vigorous, innovative thinking if publicly acceptable alternatives to private auto use are to fully develop. . . ." (Tiffany Tour and Travel Service, Inc. (1970) 2 CPUC 2d 488, 492.)

We will, therefore, grant the requested authority. This is not to imply that we will authorize any sufficiently financed alternative designed to serve public transit riders. Our primary function with respect to transportation operations is to protect the best interests of the public. Therefore, we may deny an application for service which overlaps that of an existing publicly operated transit provider where it is demonstrated that the interests of any segment of the public, particularly transit-dependent individuals such as the poor, handicapped, and elderly, will be adversely affected.

While there were allegations of this in the record, none went beyond speculation.

We find the testimony of Teal and Weisser, pointing to various studies which conclude that jitney service can complement public transportation, to be persuasive.

Considering the vast numbers of people in this county who continue to rely upon their automobiles (about 50% of downtown commuters, according to SCRTD's own study), innovative attempts to lure these people toward appealing means of mass transit must be lauded. The testimony at this hearing has convinced us that the most effective public transportation is one with a mix of several options. The option which applicants offer can contribute to the overall appeal and thus greater patronage of mass transit in Los Angeles County.

We do not think the record supports any contention that SCRTD will be adversely affected by the institution of these new services. Nor are we convinced that SMMBL or CCMBL will be adversely affected. Therefore, we will grant the authority as requested. However, we will direct staff to study the impact of these services on the public entities, giving special attention to the lines overlapping routes of SMMBL and CCMBL. If staff detects adverse consequences which pose a threat to the stability of any of these public services, staff should inform us and recommend a course of action. ✓

We are also somewhat concerned about the advisability, from a safety standpoint, of permitting M-T to stop at any "safe and permissible" location. However, we do not believe the record justifies a restriction at this time. Likewise,

we have some concern about M-T's reliance on beepers and public telephones rather than two-way radio communication. The two issues should also be carefully monitored by staff.

Findings of Fact

1. Each applicant proposes to operate a jitney service using 15-passenger minibuses over various routes (set forth in Appendixes PSC-1200 and PSC-1239) in Los Angeles County.

2. ETD proposes to stop only at authorized bus stops; M-T proposes to stop at any "safe and permissible" location where requested.

3. ETD proposes to use two-way radio communication between its drivers and home base; M-T proposes to rely on beepers carried by its drivers and management combined with the use of public telephones.

4. The proposed jitney services materially differ from existing public transit service in that service will be more frequent, with less crowding and offer the convenience of drivers who will make change.

5. The proposed jitney services will complement rather than displace existing public transit service.

6. Applicants possess the financial ability and experience to initiate and operate the jitney services they propose.

7. The proposed jitney services will ease overcrowding on other transit services during peak periods of use.

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

Conclusions of Law

1. Public convenience and necessity require that each requested authority should be granted.

2. Sufficient question was raised with regard to negative impact on public transit systems to warrant monitoring.

3. Sufficient question was raised with regard to M-T's stopping procedures and communication procedures to warrant monitoring.

4. Since there is a public need for this service, and consistent with our grants of authority to other similar carriers, this order should be effective on the date it is signed.

5. PU Code Section 1032 can only be invoked by holders of passenger stage corporation operating authority issued by this Commission.

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 Francisco, Manuel, and Aurelio Medinilla, a partnership, authorizing them to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix PSC-1200, to transport persons.

2. A certificate of public convenience and necessity is granted to Igor Greenberg, Yevgeny Osherovich, and Boris Gorbis, a partnership, authorizing them to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix PSC-1239, to transport persons.

3. Each applicant shall:

- a. File a written acceptance of this certificate within 130 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 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.



4. Staff shall conduct an ongoing review of the operations of each applicant's operation for a period of one year for the purpose of determining the effect of these services upon public safety and upon the services of Southern California Rapid Transit District, Santa Monica Municipal Bus Lines, and Culver City Municipal Bus Lines. If staff discovers impacts adverse to the public safety or impacts which threaten the stability of any of the public transit systems, staff shall file a compliance report with the Commission and shall serve it on all parties. On the basis of this report staff or any other party may initiate formal action with the Commission.

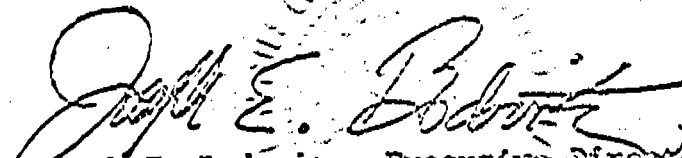
This order is effective today.

Dated JUL 21 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.

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

  
Joseph E. Bodovitz, Executive Director

T/am/iy

Appendix  
PSC-1200

Francisco, Aurelio, and Manuel Medinilla Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC - 1200

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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 82 07 024, dated JUL 21 1982,  
of the Public Utilities Commission of the State of California in  
Application 60864.

Appendix Francisco, Aurelio, and Manuel Medinilla Original Page 1  
PSC-1200

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Issued by California Public Utilities Commission.

Decision 82 07 024, Application 60864.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

Francisco, Aurelio, and Manuel Medinilla, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers, between certain points within Los Angeles County, over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Passengers shall not be picked up or discharged except within the limits of the specified service areas as set forth in Section 2.
- (d) Service shall be provided in vehicles with seating capacity of 15 passengers.

Issued by California Public Utilities Commission.

Decision 82 07 024, Application 60864.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - Washington Blvd./Vermont Ave. to Santa Monica Blvd./Doheny Dr.

Commencing at the intersection of Vermont Ave. and Washington Blvd. then via Vermont Ave., Hollywood Blvd., La Brea Ave., Sunset Blvd., La Cienega Blvd., and Santa Monica Blvd. (or Melrose Ave.), to the intersection of Santa Monica Blvd. and Doheny Dr.

Route 2 - Sunset Blvd./Broadway to Melrose Ave./Doheny Dr.

Commencing at the intersection of Sunset Blvd. and Broadway then via Broadway, Temple St., Grand Ave., Sunset Blvd., La Cienega Blvd., Santa Monica Blvd. (or Melrose Ave.), to the intersection of Melrose Ave. and Doheny Dr.

Route 3 - First St./Broadway to Santa Monica Blvd./Doheny Dr.

Commencing at the intersection of First St. and Broadway then via Broadway, 2nd St., Hill St., First St., Beverly Blvd., Alvarado St., Sunset Blvd., Santa Monica Blvd., to the intersection of Santa Monica Blvd. and Doheny Dr. Return to Santa Monica Blvd. via Melrose and La Cienega Blvd.

Route 4 - Temple St./Broadway to Melrose Ave./La Cienega Blvd.

Commencing at the intersection of Temple St., and Broadway then via Broadway, First St., Hill St., Temple St., Virgil Ave., Melrose Ave., to the intersection of Melrose Ave. and La Cienega Blvd.

Issued by California Public Utilities Commission.

Decision 82 07 024, Application 60864.

SECTION 2. ROUTE DESCRIPTIONS (Continued).

Route 5 - First St./Broadway to Melrose Ave./Robertson Blvd.

Commencing at the intersection of First St. and Broadway then via Broadway, 2nd St., Hill St., First St., Beverly Blvd., Robertson Blvd., to the intersection of Robertson Blvd. and Melrose Ave. Return to Beverly Blvd. via Melrose Ave. and La Cienega Blvd.

Route 6 - 3rd St./Lucas Ave. to Melrose Ave./Robertson Blvd.

Commencing at the intersection of 3rd St. and Lucas Ave. then via 3rd St., 4th St., Hill St., 3rd St., Robertson Blvd. to the intersection of Robertson Blvd. and Melrose Ave. Return to 3rd St. via Melrose Ave. and La Cienega Blvd.

Route 7 - 6th St./Hill St. to Wilshire Blvd./Santa Monica Blvd.

Commencing at the intersection of 6th St. and Hill St. then via Hill St., 7th St., Grand Ave., Wilshire Blvd., to the intersection of Wilshire Blvd. and Santa Monica Blvd.

Route 8 - Olympic Blvd./Hill St. to Olympic Blvd./Beverly Dr.

Commencing at the intersection of Olympic Blvd. and Hill St. then via Olympic Blvd. to the intersection of Olympic Blvd. and Beverly Dr.

Route 9 - Pico Blvd./Hill St. to Olympic Blvd./Beverly Dr.

Commencing at the intersection of Pico Blvd. and Hill St. then via Pico Blvd. and Beverly Dr. to the intersection of Olympic Blvd. and Beverly Dr.

Issued by California Public Utilities Commission.

Decision 82 07 024, Application 60864.

SECTION 2. ROUTE DESCRIPTIONS (Continued).

Route 10 - 7th St./Spring St. to Empire Ave./San Fernando Blvd.

Commencing at the intersection of 7th St. and Spring St. then via 7th St., Broadway, Ave. 26, San Fernando Rd., Verdugo Ave., Glenoaks Blvd., Olive Ave., First St., San Jose Ave., San Fernando Rd., Hollywood Way, Thornton Ave., Empire Ave., to the intersection of Empire Ave. and San Fernando Rd.

Route 15 - Western Ave./8th St. to Olympic Blvd./Atlantic Blvd.

Commencing at the intersection of Western Ave. and 8th St. then via 8th St. (or 9th St.), Olympic Blvd., to the intersection of Olympic Blvd. and Atlantic Blvd.

Route 23 - Washington Blvd./Grand Ave. to Gage Ave./Eastern Ave.

Commencing at the intersection of Washington Blvd. and Grand Ave. then via Grand Ave., 7th St., Santa Fe Ave., Pacific Blvd., Gage Ave., to the intersection of Gage Ave. and Eastern Ave.

Route 24 - Western Ave./Washington Blvd. to Buena Vista St./  
San Fernando Blvd.

Commencing at the intersection of Washington Blvd. and Western Ave. then via Western Ave., Franklin Ave., Cahuenga Blvd., West, Earham Blvd., Hollywood Way, San Fernando Blvd., Lincoln St., Empire Ave., Buena Vista St., to the intersection of Buena Vista St. and San Fernando Blvd.

Issued by California Public Utilities Commission.

Decision 82 07 034, Application 60864.

SECTION 2. ROUTE DESCRIPTIONS (Continued).

Route 25 - Washington Blvd./La Brea Ave. to Buena Vista/San  
Fernando Blvd.

Commencing at the intersection of Washington Blvd. and La Brea Ave. then via La Brea Ave., Franklin Ave., Highland Ave., Cahuenga Blvd. West, Barham Blvd., Hollywood Way, San Fernando Blvd., Lincoln St., Empire Ave., Buena Vista St., to the intersection of Buena Vista St. and San Fernando Blvd.

Issued by California Public Utilities Commission.

Decision 82 07 024, Application 60864.



CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC - 1239

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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 82 07 024, dated JUL 21 1982,  
of the Public Utilities Commission of the State of California in  
Application 82-02-68.

T/am/iy

Appendix  
PSC-1239

Greenberg, Osherovich, Gorbis

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Issued by California Public Utilities Commission.

Decision 82 07 024, Application 82-02-68.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

Igor Greenberg, Yevgeny Osherovich, and Boris Gorbis, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers, between certain points within Los Angeles County, over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Passengers shall not be picked up or discharged except within the limits of the specified service areas as set forth in Section 2.
- (d) Service shall be provided in vehicles with seating capacity of 15 passengers.

Issued by California Public Utilities Commission.

Decision 82 07 034, Application 82-02-68.

SECTION 2. ROUTE DESCRIPTIONS.

Route A-A - Ventura Blvd./Balboa Blvd. to Ventura Blvd./Lankershim Blvd.

Commencing at the intersection of Ventura Blvd. and Balboa Blvd. then via Ventura Blvd., to the intersection of Ventura Blvd. and Lankershim Blvd.

Route B-B - Santa Monica Blvd./Vermont Ave. to Santa Monica Blvd./Wilshire Blvd.

Commencing at the intersection of Santa Monica Blvd. and Vermont Ave. then via Santa Monica Blvd., to the intersection of Santa Monica Blvd. and Wilshire Blvd.

Route C-C - Wilshire Blvd./Grand Ave. to Wilshire Blvd./Santa Monica Blvd.

Commencing at the intersection of Wilshire Blvd. and Grand Ave. then via Wilshire Blvd., to the intersection of Wilshire Blvd. and Santa Monica Blvd.

Route D-D - Santa Monica/Wilshire Blvd. to Wilshire Blvd./Ocean Ave.

Commencing at the intersection of Santa Monica Blvd. and Wilshire Blvd. then via Wilshire Blvd., to the intersection of Wilshire Blvd. and Ocean Ave.

Route E-E - Melrose Ave./Vermont Ave. to 3rd St./Doheny Dr.

Commencing at the intersection of Melrose Ave. and 3rd St. then via Melrose Ave., Fairfax Ave., 3rd St., to the intersection of 3rd St. and Doheny Dr.

Issued by California Public Utilities Commission.

Decision 82 07 034, Application 82-02-68.

SECTION 2. ROUTE DESCRIPTIONS (Continued).

Route G-G - Sherman Way/Lankershim Blvd. to Highland Ave./  
Santa Monica Blvd.

Commencing at the intersection of Sherman Way and Lankershim Blvd. then via Lankershim Blvd., Cahuenga Blvd., Highland Ave., to the intersection of Highland Ave. and Santa Monica Blvd.

Route H-H - San Fernando Rd./Los Feliz Blvd. to Western Ave./  
Wilshire Blvd.

Commencing at the intersection of San Fernando Rd. and Los Feliz Blvd. then via Los Feliz Blvd. and Western Avenue, to the intersection of Western Ave. and Wilshire Blvd.

Route J-J - Hollywood Blvd./Fairfax Ave. to La Cienega Blvd./  
Rodeo Rd.

Commencing at the intersection of Hollywood Blvd. and Fairfax Ave. then via Fairfax Ave., Pico Blvd., La Cienega Blvd., to the intersection of La Cienega Blvd. and Rodeo Rd.

Route K-K - Washington Blvd./La Cienega Blvd. to Washington Blvd./  
Pacific Ave.

Commencing at the intersection of Washington Blvd. and La Cienega Blvd. then via Washington Blvd., to the intersection of Washington Blvd. and Pacific Ave.

Route L-L - 6th St./Broadway Ave. to Sunset Blvd./Fairfax Ave.

Commencing at the intersection of 6th St. and Broadway Ave. then via Broadway Ave. and Sunset Blvd., to the intersection of Sunset Blvd. and Fairfax Ave.

Issued by California Public Utilities Commission.

Decision 82 07 024, Application 82-02-68.

SECTION 2. ROUTE DESCRIPTIONS (Continued).

Route M-M - Wilshire Blvd./Vermont Ave. to Hollywood Blvd./Fairfax Ave.

Commencing at the intersection of Vermont Ave. and Wilshire Blvd. then via Vermont Ave. and Hollywood Blvd., to the intersection of Hollywood Blvd. and Fairfax Ave.

Route N-N - Roscoe Blvd./Van Nuys Blvd. to Van Nuys/Ventura Blvd.

Commencing at the intersection of Roscoe Blvd. and Van Nuys Blvd. then via Van Nuys Blvd., to the intersection of Van Nuys and Ventura Blvd.

Route R-R - Jefferson Blvd./Lincoln Blvd. to Lincoln Blvd./Wilshire Blvd.

Commencing at the intersection of Jefferson Blvd. and Lincoln Blvd. then via Lincoln Blvd., to the intersection of Lincoln Blvd. and Wilshire Blvd.

Issued by California Public Utilities Commission.

Decision 82 07 024, Application 82-02-68.