

ORIGINAL

Decision 82 09 045 SEP 8 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EASTBAY AIRPORTER,)
 INC. for certificate of public)
 convenience and necessity to offer on)
 call service transporting passengers,)
 their baggage and express between)
 points in the East Bay (Alameda)
 and Contra Costa Counties) to and)
 from Oakland Airport and to and from)
 San Francisco Airport pursuant to)
 the provisions of Section 1031, et)
 seq. of the Public Utilities Code of)
 the State of California.)

Application 82-02-20
(Filed February 11, 1982)

Jesse L. Sanders, for Eastbay Airporter,
 Inc., applicant.
Ray Greene, Attorney at Law, for SFO
 Airporter, Inc., protestant.
R. E. Douglas, for the Commission staff.

O P I N I O N

By this application, Eastbay Airporter, Inc. seeks a certificate of public convenience and necessity to operate as a passenger stage corporation, providing on-call service on a per capita basis for passengers and baggage, between points in the Cities of Berkeley, Emeryville, El Cerrito, Concord, Walnut Creek, Dublin, Hayward, and Oakland, on the one hand, and the Oakland International Airport (OAK), on the other hand. Further, applicant seeks to

operate between points in the Cities of Dublin and Hayward, on the one hand, and the San Francisco International Airport (SFO), on the other hand.

Application

In its application, applicant proposed three routes to and from OAK, using the most direct route to pickup points, to the following cities:

1. Oakland, Emeryville, Berkeley, and El Cerrito.
2. Oakland, Concord, and Walnut Creek.
3. Hayward and Dublin.

Further, it proposed a fourth route to and from SFO, using the most direct route to pickup points, to the Cities of Hayward and Dublin. This is advance reservation only service and is to be offered 7 days a week including holidays.

Protest

A protest was filed by SFO Airporter, Inc. (Airporter) on March 2, 1982. Airporter has a passenger stage corporation certificate that authorizes it to transport passengers, baggage, and express between SFO, OAK, and San Jose Municipal Airport, on the one hand, and the Cities of San Francisco, Oakland, and Berkeley, and peninsula points, on the other hand.¹ Airporter also has a permit as a Class "A" charter-party carrier of passengers (TCP-104-A).

In its protest, Airporter urges that no new franchises be approved to and between this already heavily served transportation corridor.

After applicant and Airporter entered into a stipulation about designated points of service in Oakland at hearing, Airporter withdrew its protest.

¹ Granted by Decision (D.) 77121 dated April 21, 1970 in Application (A.) 51730, transferred to Airporter by D.87881 dated September 20, 1977 in A.57482, amended by D.90107 dated March 27, 1979 in A.58233.

Hearing

A duly noticed public hearing was held before Administrative Law Judge J. J. Doran in San Francisco on June 15, 1982 and the matter was submitted at that time.

Testimony in support of the application was presented by Jessie L. Sanders, president of applicant. There were no other witnesses. Airporter participated, entered into a stipulation with applicant, and then withdrew its protest. The staff participated to develop the record. No party opposed the application.

Need

Applicant's application and attached exhibits were received in the record. Also received were a letter from the Minority Contractors Association of Northern California supporting service to OAK from Oakland and Resolution 27140 from the Port of Oakland supporting service to OAK from the East Bay other than downtown Oakland because there is existing service.

Applicant's witness testified that he obtained about 50 signatures on the street to support this application. Further, he stated that several travel agents supported the proposal.

Applicant states in its application that its proposal is unique in the East Bay. No one offers this minibus service to OAK except by limousine or taxicab. Applicant states that the service will help reduce traffic at the airports and reduce fuel consumption. It also states that the service will be filling a need for both the traveling visitor and residents of the East Bay. Applicant further states that it discussed the proposed service with OAK, and civic leaders and businessmen in the East Bay. It states that they support the service.

Stipulation

Applicant and Airporter stipulated that applicant's request for a certificate be amended as follows:

1. On Route 2, that Oakland service pickups be limited to the Claremont Hotel.

2. On Route 1, that Oakland service pickups be limited to Jack London Square and adjoining area defined as being west of Highway 17, from Jefferson on the north, to 7th Street on the east, Harrison on the south, and the water on the west, and all points west of Highway 17 between Harrison and 23rd Avenue.

After presentation of the stipulation, Airporter withdrew its protest.

Service

In response to staff questions, applicant's witness stated that 24-hour advance notice would be required for the on-call service, which would be limited to designated points within the cities of service specified at hearing, and no minimum number of passengers would be required to make a run.

Equipment

Applicant states that it will use Dodge MAXI-VAN Wagon vehicles (maximum of 16 passengers) which will be either leased or bought. Applicant states that it can purchase the vehicle for \$16,000 plus tax and license or obtain a 2-year lease requiring an initial payment of \$1,500 and \$625 per month.

Applicant states that it will purchase or lease other or larger vehicles as needed. Applicant further states that it will maintain supervision, direction, and control of all vehicles and drivers under the requirements of General Order Series 98.

Fares

One-way adult fare between OAK and the cities below are in parenthesis:

Oakland (\$5), Emeryville (\$6), Berkeley (\$7), El Cerrito and Dublin (\$9), Walnut Creek and Dublin (\$10), and Concord (\$11).

One-way adult fare between SFO and Hayward is \$11 and SFO and Dublin is \$14.

Discount fares are \$1 less than the adult fares and apply to children (ages 7-15), students (under age 24), or senior citizens (age 63 or older). Discount fares may be offered to promote new

Service routes, stops, or parking. Children, age 6 or under, will be carried free when not occupying a seat to the exclusion of other passengers.

Fitness and Financial

The president of applicant states that he had 7.5 years experience in all phases of operation of a bus company. He is vice president of Sanders Bus Lines which has permits TCP-95-B and TCP-993-P. Sanders Bus Lines transports children to Oakland schools and athletic events. The president shows, as of December 29, 1981, that he and his spouse have total assets of \$426,000, total liabilities of \$131,000, and a net worth of \$295,000, including \$35,000 in cash. He proposes to exchange \$35,000 cash for not yet issued stock of applicant. He filed the articles of incorporation of applicant with the Secretary of State on November 23, 1981.

We have considered the record in this proceeding, and conclude that the issuance of a certificate of public convenience and necessity is in the public interest.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant, as amended at hearing, be established.
3. Applicant will offer a service not now being offered to the public.
4. No party protested granting the application, as amended at hearing.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
6. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.

Conclusion of Law

The application should be granted as set forth in the ensuing order.

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 Eastbay Airporter, Inc., a corporation, authorizing it 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-1234, to transport persons, their baggage, and express shipments.
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 its 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.

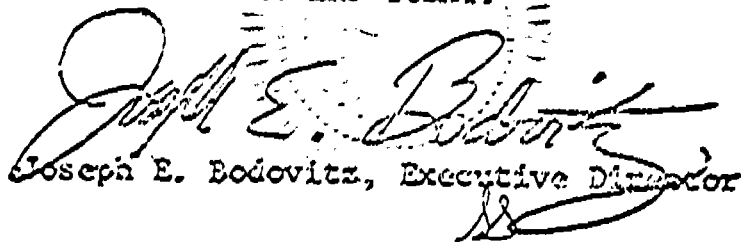
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order becomes effective 30 days from today.

Dated SEP 8 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1234

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 by Decision 82 09 045, dated SEP 8 1982, of
the Public Utilities Commission of the State of California in
Application 82-02-20.

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Issued by California Public Utilities Commission.

Decision 82 09 045, Application 82-02-20.

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

Eastbay Airporter, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their incidental baggage and express shipments between points described in Section 2 of this certificate and certain intermediate and adjacent territories, and over and along the routes described, subject, however, to the authority of this Commission to change or modify these 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. No passengers shall be transported on Routes 1, 2, or 3 except those having point of origin or destination at Oakland International Airport.
- d. No passengers shall be transported on Route 4 except those having point of origin or destination at San Francisco International Airport.
- e. On Route 1 no passengers shall be picked up or discharged within the City of Oakland except at the Oakland International Airport or within the Oakland service area as described in Section 3.

Issued by California Public Utilities Commission.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- f. On Route 2 no passengers shall be picked up or discharged within the City of Oakland except at the Oakland International Airport or at the Hotel Claremont.
- g. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetable shall show the conditions under which each authorized on-call service shall be rendered.
- h. The transportation of passengers' baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1 El Cerrito to Oakland International Airport

Beginning at the BART station in the City of Richmond then via MacDonald Avenue and the appropriate city streets in the Cities of El Cerrito, Albany, Berkeley, and Emeryville to Interstate Highway 80 (Eastshore Freeway), then via Interstate Highway 80, State Highway 17 (Nimitz Freeway), Hegenberger Road, and Airport Drive to the passenger terminal at Oakland International Airport.

Route 2 Concord to Oakland International Airport

Beginning in the City of Concord then via the appropriate city streets or highways in the Cities of Concord, Pleasant Hill, and Walnut Creek to State Highway 24, then via State Highway 24, State Highway 13 (Warren Freeway), Interstate Highway 680, Edwards Avenue, Seventy-Third Avenue, Hegenberger Road, and Airport Drive to the passenger terminal at Oakland International Airport.

Deviation for Route 2

From the intersection of State Highway 24 and State Highway 13 then along Highway 13 (Tunnel Road) to the Hotel Claremont and return when reservations have been made under the conditions set forth in the tariff and timetable.

Route 3 Dublin-Oakland International Airport

Beginning at the Howard Johnson Motel at 6680 Regional Street in the City of Dublin, then via Regional Street, Dublin Boulevard, Foothill Road, Interstate Highway 580, State Highway 238 (Foothill Boulevard), "A" Street, Hesperian Boulevard, State Highway 17 (Nimitz Freeway), 98th Avenue, Airport Access Road, and Airport Drive to the passenger terminal at Oakland International Airport.

Deviation for Route 3

Route deviations may be made within the Cities of Dublin and Hayward using the appropriate city streets in these cities when reservations have been made under the conditions set forth in the tariff and timetable.

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T/ctb

Appendix PSC-1234

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 4 Dublin-San Francisco International Airport

Beginning at the Howard Johnson Motel at 6680 Regional Street in the City of Dublin, then via Regional Street, Dublin Boulevard, Foothill Road, Interstate Highway 580, State Highway 238 (Foothill Boulevard), "A" Street, Hesperian Boulevard, State Highway 92, U.S. Highway 101 (Bayshore Freeway), and Airport Access Road to the passenger terminal at San Francisco International Airport.

Deviation for Route 4

Route deviations may be made within the Cities of Dublin and Hayward using the appropriate city streets in these cities when reservations have been made under conditions set forth in the tariffs and timetables.

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Appendix PSC-1234

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SECTION 3. OAKLAND SERVICE AREA.

Beginning in the City of Oakland at the prolongation of Jefferson Street and shoreline of Oakland Inner Harbor; then along the prolongation of Jefferson Street, Jefferson Street, Seventh Street, Harrison Street, State Highway 17 (Nimitz Freeway), Twenty-Third Street and the shoreline of the Oakland Inner Harbor to the point of the beginning.

Issued by California Public Utilities Commission.

Decision 82 09 045, Application 82-02-20.

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