

ORIGINAL

Decision S3 04 075 APR 20 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Eastbay Airporter, )  
Inc., PSC 1234, for additional )  
authority to service the following )  
areas, service from Oakland, )  
Emeryville, Berkeley, Concord, and )  
Walnut Creek to San Francisco )  
International Airport, also add )  
additional service from Livermore )  
Valley to San Francisco International )  
Airport and Oakland International )  
Airport. )

Application 82-11-12  
(Filed November 8, 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

Eastbay Airporter, Inc. was granted a certificate of public convenience and necessity to provide airport access passenger stage corporation service by Decision (D.) 82-09-045 dated September 8, 1982 in Application 82-02-20. The certificate authorizes the transportation of passengers and their incidental baggage, and express shipments between points along the following four routes and the Oakland International Airport (OAK) or the San Francisco International Airport (SFO) as noted:

<u>Route</u>	<u>Between</u>
1	Richmond and OAK
2	Concord and OAK
3	Dublin and OAK
4	Dublin and SFO

The authority includes the following restrictions:

1. Only passengers originating at or destined to the airport named may be transported on any route.
2. On Route 1 no passengers shall be picked up or discharged within the City of Oakland except at OAK or within the Oakland service area which includes Jack London Square and a specified adjoining area.
3. On Route 2 no passengers shall be picked up or discharged within the City of Oakland except at OAK or at the Hotel Claremont.

By this application, applicant requests the following authority:

1. Extend service on Routes 3 and 4 to the Livermore Valley which includes the Cities of Pleasanton and Livermore and the area bounded by Greenville Road, Tesla Road, Livermore Avenue, and the city limits of the City of Livermore.
2. Add service on a new Route 5 between Oakland, Emeryville, Berkeley, Walnut Creek, and Concord, on the one hand, and SFO, on the other hand.

A protest was timely filed by SFO Airporter, Inc. (Airporter). It holds 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. It also holds a Class B charter-party carrier of passenger certificate. In its protest, Airporter points out that it has a substantial investment in its operation and that its income is being eroded by existing competing carriers. It urges that no additional operator be authorized to serve within its certificated area.

Public hearing was held before Administrative Law Judge Arthur M. Mooney in San Francisco on February 17, 1983 on which date the matter was submitted. At the outset of the hearing, the application was amended by adding the following two restrictions prohibiting any passenger stage service by applicant between:

1. OAK and SFO.
2. Either OAK or SFO and the area of downtown Oakland within the following described boundary:

Beginning at the intersection of 7th Street and Grove Street, north on Grove Street to its intersection with Grand Avenue, east on Grand Avenue to its intersection with Harrison Street, south on Harrison Street to its intersection with Lake Shore Drive, southerly along Lake Shore Drive to its intersection with Oak Street, southerly along Oak Street to its intersection with 7th Street, and westerly along 7th Street to the point of beginning.

With the addition of the two restrictions to the sought authority, Airporter withdrew its protest and did not participate further in the proceeding. There was no other protest. Evidence was presented by the president of applicant only. A representative of the Commission staff assisted in the development of the record.

Following is a summary of the evidence presented by applicant's president:

1. He has had considerable experience in the passenger bus transportation field. With his brother, he operated Sanders Bus Lines which held passenger stage and charter authorities. This company is now being phased out of business.

2. Applicant commenced service in December 1982 and is now operating all of its authorized routes. When it started, it was transporting approximately five passengers per day. Its daily patronage is now at least 25 and is steadily increasing.
3. Applicant has 17 pieces of equipment available ranging in size from small five-passenger buses for the handicapped to large 48-passenger buses. Most is van-type equipment which it is now primarily using on its routes. The company is purchasing 10 of the units and leases the other 7. The equipment is garaged at its terminal in Oakland where it has service and maintenance facilities for the equipment. It has 25 employees, including two mechanics.
4. The witness is now the sole shareholder of applicant which will file an application to issue additional stock to him and three or four investors. The company has had a rather substantial start-up cost. Because of its newness, no financial statements are available as yet. However, with the anticipated steady increase in patronage, the company should be a financial success. The pro forma balance sheet issued prior to the commencement of actual operations shows assets and a net worth of \$36,700 each with no liabilities.
5. Applicant provides service to designated points in its service areas. It requests that its patrons make reservations at least 24 hours in advance. However, it will transport those without reservations on a seat-available basis.

6. The Class B charter-party carrier of passengers certificate (TCP-95-B) held by Sanders Bus Lines is in the process of being transferred to applicant.
7. No one offers a similar type passenger stage service in the additional area sought to be served by applicant. This service will help reduce traffic at the airports, reduce fuel consumption, and fill a need for both traveling visitors and residents of the East Bay. Applicant has received numerous requests for service to and from the proposed areas. Its representatives have discussed the proposed service with travel agents, civic leaders, and businessmen in the East Bay, and all support the service as evidenced by the various support letters addressed to the Commission.
8. Public convenience and necessity require the proposed service.

We are of the opinion that applicant should be authorized to provide the proposed service. Because there is a public need for this service, the following order should be made effective on the date signed.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources available to it to perform the proposed service.
2. The service applicant would provide is not now being offered to the public.
3. Public convenience and necessity require the proposed service.
4. There are no protests to the application, as amended at the 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.

Conclusions of Law

1. The application, as amended at the hearing, should be granted as set forth in the following order.

2. This order should be effective on the date signed because there is an immediate public need for the proposed service.

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 expand its operations as a passenger stage corporation, as defined in Public Utilities Code Section 226, to transport persons, baggage, and/or express. Appendix A of D.82-09-045 is amended by replacing Original Pages 1, 2, 3, 4, 5, and 6 with First Revised Pages 1, 2, 3, 4, 5, and 6 attached.

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.

3. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

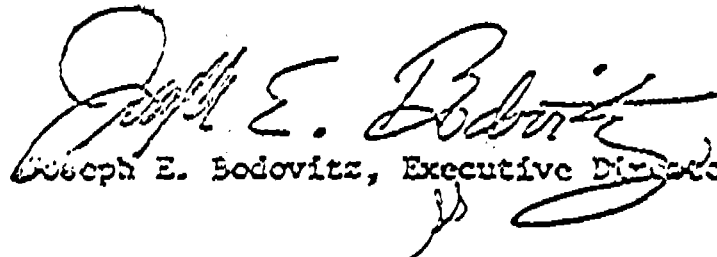
This order is effective today.

Dated APR 20 1983, at San Francisco, California.

LEONARD M. CRIMES, JR.  
President  
VICTOR CALVO  
DONALD VIAL  
Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate in the disposition of this proceeding.

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

  
Joseph E. Bodovitz, Executive Director

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Issued by California Public Utilities Commission.

83 04 075

\* Revised or added by Decision \_\_\_\_\_, Application 82-11-12.



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 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, 5, or 6 except those having point of origin or destination at San Francisco International Airport.
- \*e. No passengers shall be picked up or discharged within the Oakland Restricted Area described in Section 3. However, vehicles may traverse the streets or highways within this area.

Issued by California Public Utilities Commission.

83 94 975

\* Revised or added by Decision \_\_\_\_\_, Application 82-11-12.

Appendix PSC-1234  
(D.82-09-045)

EASTBAY AIRPORTER, INC.

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Cancels  
Original Page 3

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

- \*f. No passengers shall be transported directly between San Francisco International Airport and Oakland International Airport.
- 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.

Issued by California Public Utilities Commission.

\* Revised or added by Decision 83 94 075, Application 82-11-12.

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, Emeryville and Oakland to State Highway 17 then via 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 Livermore Valley, Dublin-Oakland International Airport.

Beginning in the Livermore Valley Service Area then via the appropriate streets or highways to Interstate Highway 580 then via Interstate Highway 580, Foothill Road, Dublin Boulevard and Regional Street to the Howard Johnson Motel at 6680 Regional Street 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.

Issued by California Public Utilities Commission.

\* Revised or added by Decision 83 04 075, Application 82-11-12.

Appendix PSC-1234  
(D.82-09-045)

EASTBAY AIRPORTER, INC.

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

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.

\* Route 4 Livermore Valley-Dublin-San Francisco  
International Airport

Beginning in the Livermore Valley Service Area then via the appropriate streets or highways to Interstate Highway 580 then via Interstate Highway 580, Foothill Road, Dublin Boulevard and Regional Street to the Howard Johnson Motel at 6680 Regional Street, 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.

\* Route 5 Concord to San Francisco 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, and the appropriate streets or highways in the Cities of Berkeley, Emeryville and Oakland to Interstate Highway 80 then via Interstate Highway 80, U.S. Highway 101 and the Airport Access Road to the passenger terminal at San Francisco International Airport.

Issued by California Public Utilities Commission.

83 94 975

\* Revised or added by Decision \_\_\_\_\_, Application 82-11-12.

SECTION 2. ROUTE DESCRIPTIONS.

\*Route 6 Oakland to San Francisco International Airport

Beginning in the City of Oakland except within the Oakland Restricted Area then via the appropriate streets or highways to Interstate Highway 80 then via Interstate Highway 80, U.S. Highway 101 (Bayshore Freeway) and Airport Access Road to the passenger terminal of the San Francisco International Airport.

SECTION 3. SERVICE AREA DESCRIPTIONS.

\*1. Livermore Valley Service Area

The Livermore Valley Service Area consists of the City of Livermore plus the area bounded by Interstate 580, Greenville Road, Tesla Road, Livermore Avenue and the city limits of the City of Livermore.

\*2. Oakland Restricted Area

The Oakland Restricted Area is that portion of the City of Oakland bounded by Grove Street, Grand Avenue, Harrison Street, Lakeshore Drive, Oak Street, and Seventh Street.

Issued by California Public Utilities Commission.

\* Revised or added by Decision 83 04 075, Application 82-11-12.