

ORIGINAL

Decision SS 06 030 JUN 1 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
David M. North and Jerry D. Akens,)
dba Arrow Transit, for certificate)
of public convenience and necessity)
to operate as a passenger stage)
corporation between the Camp)
Pendleton Marine Corps Base and)
Downtown San Diego, in San Diego)
County.)

Application 83-03-30
(Filed March 10, 1983)

O P I N I O N

Applicants David M. North and Jerry D. Akens, dba Arrow Transit, seek a certificate of public convenience and necessity to operate as a passenger stage corporation to transport passengers between the Camp Pendleton Marine Corps Base and the downtown San Diego metropolitan area. The proposed location for both pickup and discharge of passengers, in metropolitan San Diego, is a public bus stop on the north side of Broadway, between Front Street and Union Street, which is entirely red-curbed and designated as a bus zone. Applicants seek the requested authority under Public Utilities (PU) Code Section 1031, et seq. The proposed service contemplates three round trips per day on Friday and Saturday, and two round trips on Sundays.

Notice of filing of the application appeared on the Commission's Daily Transportation Calendar dated March 16, 1983. In-addition, applicants served copies of the application on all affected local governmental agencies, transit development boards, and associations.

On April 6, 1983, the United Transportation Union (UTU) filed a Petition to Intervene under Rule 53 of the Rules of Practice and Procedure (Rules). UTU was notified by staff that protests and requests for hearing must be filed under Article 2.5 of the Rules. In a letter dated April 26, 1983 to Administrative Law Judge William Turkish, UTU requested that its April 6, 1983 filing be accepted as a protest. Rule 8.2 of the Rules states that "The filing of a protest does not ensure that a public hearing will be held; the content of the protest is determinative." UTU's petition does not contain sufficient facts supporting its contention that the granting of this application will have a detrimental effect on UTU nor does the petition state the facts UTU would develop at a public hearing which could result in the denial of this application. A public hearing is not necessary.

Applicants have been granted authority to operate as a passenger stage corporation by Decision 83-02-027 dated February 2, 1983 for the transportation of passengers between the Long Beach Naval Support Facility in Long Beach and Hollywood, California.

In their application, applicants assert that there is now no direct, express service which exists between the two points to be served. Applicants believe this type of service will be beneficial to military personnel for travel from their work locations, to and from desired liberty areas in San Diego, where applicants now provide similar service, as jitneys, to the Naval Station San Diego, North Island Naval Air Station, and the Naval Training Center. Applicants allege that feasibility studies, including surveys of Marine Corps enlisted personnel at Camp Pendleton, indicate a strong desire and need for this service. In addition, applicants allege that authorities at Camp Pendleton have formally indicated they will be pleased to have the proposed service provided for their personnel, and that the military expects to cooperate fully with applicants if Commission authorization is granted. Finally, applicants allege the proposed service will help reduce the number of automobiles on the public highways.

Applicants allege the equipment they will use for the service include one 16-passenger wide-body Dodge van, two 17-passenger wide-body Dodge vans, and two 45-passenger GMC transit-type buses. The proposed fares are \$6 per person one way, or \$10 round trip.

The financial statement contained in the application, as of January 31, 1983, shows total assets of \$65,300 of which \$49,200 represents cost of motor vehicle equipment, and

liabilities totaling \$36,000, all of which represents the balance due on the motor equipment.

Findings of Fact

1. Applicants possess the necessary equipment, financial resources, and ability to operate the proposed service.
2. Applicants will provide a needed service between the Camp Pendleton Marine Corps Base and downtown San Diego area.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. UTU's petition to intervene does not contain sufficient facts to require a public hearing.

Conclusions of Law

1. Applicants have demonstrated public convenience and necessity for establishing the proposed service.
 2. The effective date of this order should be the date of signature in order that applicants may begin operations of a needed service as soon as possible.
 3. A public hearing is not necessary.
- 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 David M. North and Jerry D. Akens 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-1194 to transport passengers.

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 within 120 days after this order is effective.
- c. State in their tariffs when service will start; allow at least 10 days' notice to the Commission; and make their 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.

4. United Transportation Union's petition for a public hearing is denied.

This order is effective today.

Dated JUN 1 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

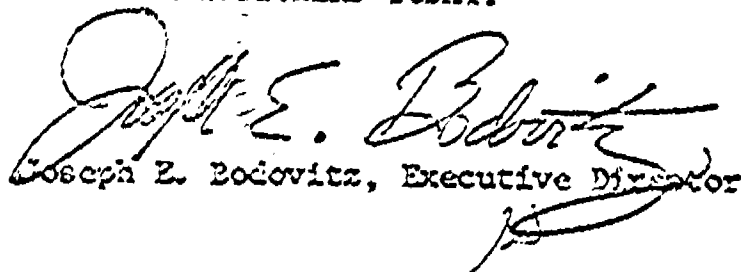
VICTOR CALVO

PRISCILLA C. CREW

DONALD VIAL

Commissioners

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


Joseph Z. Bođovitz, Executive Director

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

David M. North and Jerry D. Akens, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers between certain points in Los Angeles County and San Diego 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. On Route 1, no passenger shall be transported except those having point of origin or destination at the Long Beach Naval Support Facility.
- *d. On Route 2, no passenger shall be transported except those having point of origin or destination at the Camp Pendleton Marine Corps Base.

Issued by California Public Utilities Commission.

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*Added and #Revised by Decision _____, Application 83-03-30.

SECTION 2. ROUTE DESCRIPTION.

Route No. 1 Long Beach-Hollywood

Commencing at the Long Beach Naval Support Facility on Seaside Avenue, Long Beach, then via Long Beach Freeway (Rte 7), Santa Ana Freeway (I-5), Hollywood Freeway (Rte 101), to the Hollywood Boulevard off-ramp. Passenger pickup and discharge shall be at bus stops along Hollywood Boulevard and Santa Monica Boulevard between Vine Street and La Brea Avenue.

*Route No. 2 San Diego-Camp Pendleton

Commencing at Camp Pendleton Marine Corps Base then via Interstate 5 to downtown San Diego. Passenger pickup and discharge shall be on Broadway between Front Street and Union Street.

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*Added by Decision _____, Application 83-03-30.