

Decision 83 08 078 AUG 17 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Stephen A. Ernst,)
dba San Francisco Stage Lines, for)
a certificate of public convenience)
and necessity to operate a)
passenger stage and baggage and)
express service between)
San Francisco and Guerneville.)

Application 82-09-55
(Filed September 30, 1982)

O P I N I O N

Applicant is requesting authorization to provide a passenger bus service between San Francisco and Guerneville over three routes on Friday, Saturday, Sunday, and holidays, with the option of canceling any schedule with less than three passengers on Route 1, or six passengers on Routes 2 and 3. Additional authority is requested to provide Russian River sightseeing, with the option of canceling any tour which has less than six reservations.

Applicant's principal Route 1 will proceed up Highway 101, then east on Highway 116 to Guerneville. The Friday schedule has the first bus out of San Francisco at 6:30 p.m. arriving in Guerneville at 8:30 p.m., leaving for San Francisco at 9:00 p.m., and arriving at 11:00 p.m. Saturday features two round trips from San Francisco to Guerneville; the first leaves San Francisco at 9:00 a.m., arriving at 11:00 a.m.; it starts back at 11:30 a.m. and arrives in San Francisco 1:30 p.m. The second round trip leaves San Francisco at 3:30 p.m., arrives at Guerneville at 5:30 p.m., starts back to San Francisco at 6:00 p.m., and arrives at 8:00 p.m. The Sunday and holiday schedules leave San Francisco at 12:00 noon and 6:00 p.m., returning to San Francisco at 4:30 p.m. and 10:30 p.m.

Applicant's Route 2 goes north on Highway 1 to Jenner, then east on Highway 116 to Guerneville. One schedule will leave San Francisco on Friday at 6:30 p.m. and arrive three hours later, after making a stop en route. The bus apparently returns to San Francisco but does not carry passengers. On Saturday, Sunday, and holidays, a bus leaves San Francisco at 9:00 a.m. and arrives in Guerneville at noon. It leaves at 1:00 p.m. and is back in San Francisco at 4:00 p.m.

Route 3 is described as the wine country route. It extends along Highway 80 to Highway 29, then through Napa, St. Helena, Calistoga, and west to Guerneville. One schedule leaves Guerneville at 1:00 p.m. on Saturday, Sunday, and holidays, arriving in San Francisco, after a stop, at 3:45 p.m. It is noted that the bus will stop at the San Francisco downtown Airporter terminal if any passengers need the service. There is no return to Guerneville. Routes 2 and 3 will not run without a minimum of six passengers. Route 1 requires at least three passengers to avoid a cancellation.

The sightseeing tour is designated Route 4. It will be operated out of Guerneville at 10:00 a.m. on Sunday and holidays, extending for 130.5 miles and returning at 2:30 in the afternoon. It will operate on 24-hour advanced reservations, with a minimum of six passengers required. The route extends west to the coast at Jenner, then south to Bodega Bay, and east through Bodega, Sebastopol, Santa Rosa, Glen Ellen, and Yountville to Highway 29, north on 29 to Calistoga, and west to the starting point. The fare for this tour will be \$25 per passenger.

The one-way fare from San Francisco to Guerneville on Route 1 will be \$17; via either Route 2 or 3, it will be \$34. The round-trip fare on Route 1 only will be \$30. A maximum of two bicycles can be transported on each schedule and one child under six may ride

free in the company of an adult. There is a provision for a ten-ride round-trip ticket on Route 1 only, to be sold for \$140. Applicant alleges that he would prefer to initiate service on April 1, 1983.

Applicant will transport two pieces of hand baggage per passenger, free of charge, including camping gear. Two express packages, not to exceed 60 pounds, may be carried in lieu of hand baggage. Applicant also seeks authority to transport excess baggage, or express, not to exceed 100 pounds per package, at the rate of \$6 per item, one way, on a space-available basis.

Applicant will operate a 1982 Ford Club Wagon with a capacity of seven passengers in addition to the driver. It is alleged that he will place other vehicles in service as required. The 1982 Ford will be garaged at applicant's residence in San Francisco. Applicant's financial statement shows assets of \$110,000, including \$34,000 in cash and negotiable stock. Liabilities total \$59,000, consisting primarily of a real estate mortgage and loans on vehicles. Applicant's net worth is \$50,643.

In support of public convenience and necessity it is alleged that there is no direct service from the Bay Area to the Russian River resorts. Greyhound Lines, Inc. (Greyhound) and Golden Gate Transit provide service to Santa Rosa, which is 25 miles from Guerneville, but the buses make frequent stops. Service from Santa Rosa to Guerneville is provided by Sonoma County Transit on a limited basis. Applicant alleges that there is no weekend service to Guerneville, which has only one taxicab.

Notice of the filing of the application was provided in the Commission's Daily Transportation Calendar on October 5, 1982. No protests or requests for hearing have been filed.

A letter was received from the Sonoma County Department of Public Works (County) dated October 28, 1982. The County does not oppose this application, although the letter notes that the service

proposed by applicant has been presented in the past and failed. Transfers from Greyhound out of Santa Rosa are handled by local operators and there have been no complaints. Present service costs a lot less than that proposed by applicant, although the latter may be more convenient for many customers.

Discussion

Applicant will institute service on Route 1 (one) and expand as required by popular demand. He will lease vehicles and hire drivers as patronage develops. He alleges that present service from Highway 101 points to the Russian River resorts is inadequate and therefore is not attractive to the public. He will initiate service with vans, which are much less expensive to operate than full-size buses.

The Commission has recently held that it has no jurisdiction over sightseeing tours which form a loop, with the tour starting and finishing at the same point. No authority is required from this Commission to operate a tour of the type described.

Findings of Fact

1. The passenger stage service proposed in this order is not available at the present time.
2. Applicant possesses the ability, experience, equipment, and financial resources needed to perform his service.
3. Public convenience and necessity require that the service proposed by applicant be established.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Process

D-5

5. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. The Commission no longer has jurisdiction over sightseeing tours which form a loop.
3. The request for sightseeing authority should be dismissed.
4. The decision will be effective on the date signed so service can start in the summer or fall, when most people take their vacations.

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 Stephen A. Ernst, authorizing him 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-1280 to transport passengers and their baggage. ✓

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 both this Commission and the airport authority involved.

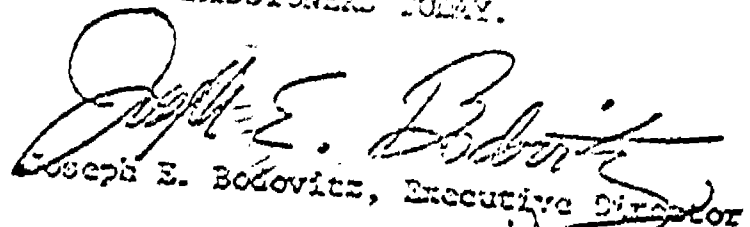
- 4. The request for sightseeing authority is dismissed. This order is effective today.

Dated August 17, 1983, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
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/ctb

Appendix PSC-1280

STEPHEN A. ERNST

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1280

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 under authority of Decision 83 08 078, dated
AUG 17 1983, of the Public Utilities Commission of the
State of California, in Application 82-09-55.

I N D E X

	<u>Page</u>	
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2 & 3	✓
SECTION 2. ROUTE DESCRIPTIONS.		
<u>Route</u> <u>Route Name</u>		
1 San Francisco-Russian River Territory via U.S. 101	3	
2 San Francisco-Russian River Territory via Coast Route	3	
3 San Francisco-Russian River Territory via Wine Country Route .	3	✓
SECTION 3. TERRITORY DESCRIPTION.		
Russian River Territory	4	

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

Stephen A. Ernst, 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 San Francisco and the Russian River Territory as described in Section 3 of this certificate and certain intermediate and adjacent territories over 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 service shall be provided to or between intermediate points.
- d. Except as separately authorized, two or more routes or portions of separate routes shall not be consolidated or operated in combination with one another.
- e. Service to be operated either scheduled or on an "on-call" basis or both.
- f. Routes 1, 2, & 3 may be extended to provide service to the downtown passenger terminal at Taylor Street and Ellis Street on an "on-call" basis.

Issued by California Public Utilities Commission.

Decision 83 08 078, Application 82-09-55.

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

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.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - San Francisco-Russian River Territory via
U.S. 101

Beginning at the intersection of Market Street and Castro Street in the City and County of San Francisco, then over the appropriate city streets to U.S. Highway 101, then following U.S. Highway 101 and River Road to the Russian River Territory.

Route 2 - San Francisco-Russian River Territory via
Coast Route

Beginning at the intersection of Market Street and Castro Street in the City and County of San Francisco, then over the appropriate city streets to U.S. Highway 101, then following U.S. Highway 101, State Highway 1, and State Highway 116 to the Russian River Territory.

Route 3 - San Francisco-Russian River Territory via
Wine Country Route

Beginning at the intersection of Market Street and Castro Street in the City and County of San Francisco, then over the appropriate city streets to Interstate Highway 80, then following Interstate Highway 80, State Highway 29, State Highway 128, Petrified Forest Road, Porter Creek Road, Mark West Springs Road, and River Road to the Russian River Territory.

Issued by California Public Utilities Commission.

Decision 83 08 078, Application 82-09-55.

SECTION 3. TERRITORY DESCRIPTION.

Russian River Territory

The Russian River Territory is that portion of Sonoma County along State Highway 116 between Fern Road and River Road, Armstrong Woods Road between State Highway 116, and Laughlin Road and River Road from State Highway 116 to Stoler Road.

Issued by California Public Utilities Commission.

Decision 83 08 078, Application 82-09-55.

5. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. The Commission no longer has jurisdiction over sightseeing tours which form a loop.
3. The request for sightseeing authority should be dismissed.
4. The decision will be effective on the date signed so service can start in the summer or fall, when most people take their vacations.

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 Stephen A. Ernst, ~~a corporation~~ authorizing him 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-1280 to transport passengers and their baggage.
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 ^{both this Commission and} the airport authority involved.

- 4. The request for sightseeing authority is dismissed. This order is effective today.

Dated AUG 17 1983, at San Francisco, California.

VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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