

ORIGINAL

Decision No. 88163 NOV 29 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of	)	
RICHARD H. JAMES, JR., for Certificate	)	
of Public Convenience and Necessity to	)	
operate as a passenger stage corpora-	)	Application No. 57590
tion to transport commuting passengers	)	(Filed September 26, 1977)
between points in Santa Cruz County and	)	
Lockheed Missile and Space Company, in	)	
Sunnyvale.	)	

O P I N I O N

By this application, Richard H. James, Jr., seeks a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation between Lockheed Missile and Space Company, Inc. located in Sunnyvale, on the one hand, and certain points in Santa Cruz and Santa Clara Counties, on the other hand, namely: Aptos, Santa Cruz, Scotts Valley, Summit and Los Gatos.

Applicant claims to have been providing this service since Roy Arledge d.b.a. United Transit ceased operating over this route prior to January 1, 1976, and that he thought he had acquired the operating rights herein sought, together with the rights to two other routes serving Lockheed, from Mr. Arledge in the name of Travelier Charter, Inc., a carrier in which he has an interest.

We note that by Decisions 84741 and 84857 in Applications 55641 and 55728, respectively, Travelier Charter, Inc. was granted authority to provide passenger stage service from Lockheed to southern San Jose and Gilroy.

Service over this route has been provided either by Roy Arledge d.b.a. United Transit, Travelier Charter, Inc. or by Richard H. James, Jr., since prior to January 1974.

After consideration, the Commission finds that public convenience and necessity require the granting of the application.

It can be seen with certainty that there is no possibility that the project involved in this proceeding may have a significant effect on the environment. A public hearing is not necessary.

Richard H. James, Jr. is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A Certificate of Public Convenience and Necessity is granted to Richard H. James, Jr., authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority:

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order 98-Series and the insurance requirements of the Commission's General Order 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.

- (c) The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders 79-Series and 98-Series.
- (e) Applicant shall maintain his accounting records on a calendar-year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 29th day of NOVEMBER, 1977.

Robert Batliand  
President  
William Synovus, Jr.  
Vernon L. Struyem  
Richard D. Charles  
Clair J. DeWick  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
NO. 1025  
TO OPERATE AS  
A PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions, limitations,  
exceptions and privileges applicable thereto.

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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 No. 88163,  
dated NOV 29 1977 of the Public Utilities Commission  
of the State of California, in Application 57590.

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Issued by California Public Utilities Commission.

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

Richard H. James, Jr., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage from Aptos, Santa Cruz, Scotts Valley, Los Gatos and intermediate points to Lockheed Space and Missile Co., Inc. in Sunnyvale, over and along the route hereinafter described, subject, however, to the authority of this Commission to change or modify said route at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) Only passengers destined to or originating at the Lockheed Space and Missile Co., Inc. shall be transported.
- (c) Service will be operated only at times necessary to meet employee needs for the day shift only on regular working days.
- (d) Service will not be operated during strikes or other work shutdowns at Lockheed.
- (e) The transportation of 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 one hundred (100) pounds per shipment.

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## SECTION 2. ROUTE DESCRIPTION.

Aptos-Santa Cruz to Lockheed

Commencing in the City of Aptos at the intersection of Rio Del Mar and State Highway 1, thence via State Highway 1, State Highway 17, and U.S. 101 Freeway and the most direct and appropriate route to Lockheed Space and Missile Co., Inc. in Sunnyvale. Passengers may be picked up in a service territory which is limited to one-half mile on either side of this route between and including Aptos and Los Gatos.

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