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Decision No. 8SS03 JAN 23 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of Harbor Carriers, Inc., a)
corporation, for authorization to)
operate an emergency passenger) Application No.A. 58614
service between Oakland and) (Filed January 23, 1979)
San Francisco during closure of the)
San Francisco BART tube due to fire.)

O P I N I O N

Harbor Carriers, Inc. (applicant), is a common carrier by vessel engaged in the transportation of persons and property between points on San Francisco, San Pablo, and Suisun Bays.

On Thursday January 18, 1979 a serious fire occurred in BART's San Francisco Bay tube which was shut down for an indefinite period by the Commission pending certain safety corrective measures.

Applicant, by this application, seeks authority to temporarily operate an emergency commuter service to transport passengers by vessel between San Francisco and Oakland/Alameda to help relieve the critical traffic congestion on the San Francisco Bay Bridge and approaches during the rush hours caused by the fire in the BART tube.

The proposed emergency commuter service which will be instituted only during the period that BART's commute service is shut down due to the fire in the tube, will operate between San Francisco and Oakland/Alameda on the following schedule:

Depart
Oakland/Alameda

0650
0730
0810

Depart
San Francisco

1645
1720
1750
1915

Applicant intends to use two vessels with a capacity of approximately 750 passengers each. Fares will be \$1.50 one way or \$3.00 round trip.

The Commission's Transportation Division staff has reviewed the application and recommends that it be granted.

Because of the unforeseen emergency occasioned by the BART accident, this order will issue without the notice requirements of Section 11125 of the Government Code.

F I N D I N G S

1. Public convenience and necessity require the proposed service on an interim basis until such time as the BART tube has reopened and the BART transbay commuter service is back in operation.
2. The applicant has the ability, equipment and financial resources to perform the proposed service.
3. The proposed fares are reasonable.
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.

Harbor Carriers, Inc., is hereby 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 over a particular route. This monopoly feature may be modified or cancelled 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 Harbor Carriers, Inc., on an interim basis subject to further order of the Commission authorizing it to operate as a common carrier by vessel, between San Francisco and Oakland/Alameda as defined in Sections 211(b) and 238 of the Public Utilities Code, between the points and subject to the conditions particularly set forth in Second Revised Pages 2 and 3 to Appendix A of Decision No. 82560 in Application No. 54499, attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the insurance requirements of the Commission's General Order No. 111-B.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized 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 one day after the effective date of this order on not less than one day's 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 service herein authorized.


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- (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 No. 87 and 117.

- (e) Applicant shall maintain its 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 its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

Due to the BART tube emergency the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 23rd day of JANUARY, 1979.



President


Commissioners

San Francisco Bay Area Operations

Harbor Carriers, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons by vessel over the waters of San Francisco Bay between San Francisco, on the one hand, and *Oakland, Angel Island State Park, Tiburon, Alcatraz Island, and Sausalito, on the other hand, and between Berkeley, on the one hand, and Angel Island State Park and Tiburon, on the other hand, subject to the following conditions:

SCHEDULED AND NONSCHEDULED SERVICEA. San Francisco - Angel Island State Park

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from June 1 through September 10 of each year. In addition, applicant is authorized to provide in its tariff and timetables for an on-call service, on 24 hours' notice, for 100 or more adult passengers during the period from September 11 through May 31 of each year.

B. San Francisco - Tiburon

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least two trips per day in each direction during the period from June 1 through September 10 of each year. In addition, applicant is authorized to provide in its tariff and timetable for an on-call service, on 24 hours' notice, for 100 or more adult passengers during the period from September 11 through May 31 of each year.

C. San Francisco - Alcatraz Island

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least two trips per day in each direction during the period from June 1 through September 10 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on one hour's notice, for forty or more adult passengers during the period from September 11 through May 31 of each year.

Issued by California Public Utilities Commission.

*Amended by Decision No. 89903, Application No. 58614.

D. San Francisco - Sausalito

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from June 1 through September 10 of each year. In addition, Harbor Carriers, Inc. is authorized to provide, in its tariff and timetable for an on-call service, on two hours' notice, for forty or more adult passengers from September 11 through May 31 of each year.

E. Berkeley - Angel Island State Park

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period between April 1 through October 31 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on 24 hours' notice, for 200 or more adult passengers between the period November 1 through March 31 of each year, provided that service commences after 9 a.m. and terminates before 6 p.m. of the same day.

F. Berkeley - Tiburon

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from April 1 through October 31 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on 24 hours' notice, for 100 or more adult passengers, between the period November 1 through March 31 of each year, provided that service commences after 9 a.m. and terminates before 6 p.m. of the same day.

*G. San Francisco-Oakland

Harbor Carriers, Inc., shall provide in its tariff and timetable temporary service between San Francisco and Oakland/Alameda subject to further order from the Commission.

Issued by California Public Utilities Commission.

*Amended by Decision No. 88802, Application No. 58614.