

Decision No. 90239

APR 24 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of F. C. McClendon Jr., DBA North)
Bay Transit, for a Certificate of)
public convenience and service)
between Vallejo, California, to)
Concord, California and Richmond,)
California, on one hand, and)
various points in Solano and)
Contra Costa Counties California,)
on the other hand.)

Application No. 58570
(Filed January 4, 1979)

O P I N I O N

Applicant seeks a certificate of public convenience and necessity to operate as a passenger stage corporation serving Concord at the Sun Valley Shopping Mall and the Bay Area Rapid Transit (BART) Station, Benicia, Vallejo, and Richmond (Hilltop Shopping Mall). Scheduled service would be provided along routes extending from the Concord BART Station to Sun Valley Mall to Benicia (four stops) to Vallejo (three stops) and to Hilltop Mall. Four daily round trips are planned, with no service on Saturdays, Sundays or holidays. Due to the present availability of another transit service, no passenger will be transported whose entire trip is in either direction between Benicia and Vallejo. The fares for the scheduled service would range from \$1.20 to \$1.80 per person depending on the distance traveled.

The application states that currently there is no bus operating between Vallejo (or Benicia) and the Sun Valley Mall, the Concord BART Station, or the Hilltop Mall; that service will initially be provided with a 1979 15-passenger GMC van; that applicant has the financial ability to provide the proposed service; that the proposed service would reduce private automobile traffic in the area and thereby result in energy conservation and have a beneficial effect on the environment; and that public convenience and necessity require the proposed service.

Copies of this application were served on interested parties, and the application was listed in the Commission's Daily Calendar on January 5, 1979. One letter was received from the Western Contra Costa County Transit Authority (WCCCTA) stating that "WCCCTA does not object to the (proposed) North Bay Transit service, as such, if the service and franchise do not obstruct the physical, financial, and competitive use of the corridor (between Crockett and Vallejo) by any other operator." The applicant does not propose service between Crockett and Vallejo, and no service currently exists between Vallejo and Hilltop Mall in Richmond, the applicant's proposed termini. Also, a local senior citizens' group expressed support. No other comments were received.

F I N D I N G S

After consideration, the Commission finds that:

1. Applicant has the ^{Operational and Financial} ability to provide the proposed service.
2. Public convenience and necessity require that applicant be authorized to provide the proposed service.
3. The passenger stage service by applicant is an alternative to transportation by private automobile and is consistent with fuel and energy conservation policies. It can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Applicant 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 F. C. McClendon, Jr., doing business as North Bay Transit, 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 to do so 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 No. 98-Series, and the insurance requirements of the Commission's General Order No. 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 ten days after the effective date of this order on not less than ten 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 Nos. 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 thirty days after the date hereof.

Dated at San Francisco, California, this 24th day of APRIL, 1979.

John E. Bryan
President
James L. Sturgeon
Richard W. Givale
Philip J. ...
Edward J. ...
Commissioners

Appendix A

F. C. McClendon, Jr.
d.b.a.
NORTH BAY TRANSIT

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A PASSENGER STAGE CORPORATION

PSC-1069

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

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 No. 90239
dated APR 24 1979, 1979, of the Public Utilities Commission
of the State of California, in Application No. 58570.

INDEX

		<u>Page No.</u>
SECTION 1.	GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.	2
SECTION 2.	ROUTE DESCRIPTIONS	3

Issued under authority of Decision No. 90229
dated APR 24 1979, of the Public Utilities Commission
of the State of California, in Application No. 58570.

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

F. C. McClendon, Jr., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and their baggage between the cities of Concord, Benicia, Vallejo, and Richmond, over the routes hereinafter described, subject, however, to the authority of the Commission to change or modify said 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 in either direction unless otherwise indicated.
- (c) No passenger shall be transported whose entire trip is in either direction between Sun Valley Mall and the Bay Area Rapid Transit District Station in Concord.
- (d) Only passengers with either origins or destinations in either Concord or Richmond shall be transported.
- (e) Passenger shall be picked-up and discharged only at stops designated in the following route descriptions.

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SECTION 2.

ROUTE DESCRIPTIONS

Route 1. Vallejo to Hilltop Mall in Richmond, and return.

Commencing in Vallejo from stops on Maine Street at Sacramento Street, Florida Street at Butte Street, and Sacramento Street at Virginia Street, thence over the most appropriate and convenient route to a stop at Hilltop Mall in Richmond, and return.

Route 2. Vallejo to Benicia to Sun Valley Mall and BART Station, Concord, and return.

Commencing in Vallejo from stops on Maine Street at Sacramento Street, Florida Street at Butte Street, and Sacramento Street at Virginia Street, thence over the most appropriate and convenient route to Benicia with stops on Southampton Road at Chelsea Hills Drive, Military West at West Sixth Street, Military West at West First Street, and East Fifth Street at "N" Street, thence over the most appropriate and convenient route to Concord with stops at Sun Valley Mall (Contra Costa Boulevard at Viking Drive) and the Bay Area Rapid Transit District Station near the intersection of Park Street and Grant Street, and return.

(END OF APPENDIX A)

Issued under authority of Decision No. 30239,
dated APR 24 1979, of the Public Utilities Commission of
the State of California, in Application No. 58570.