

NB

Decision No. 90273 MAY 8 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of EVANS AIRPORT SERVICE, INC., a )  
corporation, for certificate of )  
public convenience and necessity )  
to operate a passenger stage cor- )  
poration and express baggage )  
service between the City of )  
Vallejo, on the one hand, and the )  
San Francisco International Air- )  
port, in the County of San Mateo, )  
on the other hand. )

Application No. 58205  
(Filed July 7, 1978)

O P I N I O N

Evans Airport Service, Inc. (Evans), a California corporation, applies for a certificate of public convenience and necessity to operate passenger stage service, including express baggage service, between the city of Vallejo, on the one hand, and the San Francisco International Airport (Airport), on the other hand.

Evans presently holds a certificate (granted in Decision No. 85468, dated February 18, 1976, in Application No. 55749) to transport passengers and their baggage between the city of Napa and Airport.

Evans' equipment list originally included 12-passenger vans which it already owns, and a request for the use of one or two 23-passenger buses. Greyhound Lines, Inc. (Greyhound) protested the application but later agreed to withdraw its protest if Evans would limit its request to 15-passenger vans. Evans, by a letter from its counsel dated February 13, 1979, agreed to this limitation. Since there was no other protest to the application, a hearing which had been scheduled for February 21, 1979 in Vallejo was canceled.

Evans proposes four daily departures, seven days a week, from Vallejo and four return trips. These are intended to dovetail

with its existing schedule between Napa and the Airport. Evans will employ its existing route except for the stops in Vallejo. All service will be between Vallejo and the Airport with no intermediate points. Evans' existing passenger station in Vallejo near the Springs Avenue overpass at Highway 80 is the Vallejo terminal of the route.

Attached to the application is a financial statement, including a balance sheet and an income statement. Net income for 1978, as of June 1, was \$8,256.35. Donald F. Evans and Mary E. Evans jointly own all the shares of the corporation. Mr. Evans additionally serves as Supervisor of Transportation for the Napa Valley Unified School District.

Evans formerly provided service from Napa with a Vallejo stop under direct contract to the city of Napa, but when Greyhound objected to the Vallejo stop, Evans deleted it from Application No. 55749. The application states that although Greyhound now has three express runs from Vallejo to the Airport, there continues to be public demand for the resumption of the former Evans service. Evans points out it charges a premium fare so that it can offer such features as passenger paging at the airport and more individualized service which does not, in its opinion, compete directly with Greyhound.

Evans stresses factors of gasoline conservation, reduction of air pollution, and traffic safety as additional factors favoring granting of the application.

The application lists the proposed one-way fare at \$9.50; however, Evans' attorney's letter dated February 13, 1979 indicates that this is an error and that the requested fare is \$8.50.

On review of this application we find the transportation proposed to be in the public interest. We have reviewed the proposed rules and regulations for the service attached to the application and find them to be reasonable.

Findings

1. Public convenience and necessity require granting an amendment of Evans' present certificate of public convenience and necessity to establish passenger stage operations between the points, over the route, and subject to the conditions as fully set forth in Appendix A, attached hereto.

2. The proposed fare schedule is reasonable at this time.

3. Evans has the necessary financial ability, equipment, and personnel to initiate and maintain the proposed service.

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.

Conclusion

The Commission concludes that the application should be granted as provided in the order which follows.

Evans 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. The certificate of public convenience and necessity of Evans Airport Service, Inc., a corporation, is modified authorizing it to extend its operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Vallejo, on the one hand, and the San Francisco International Airport, on the other hand.

2. Appendix A of Decision No. 85468 in Application No. 55749 is amended by incorporating First Revised Page 2 in revision of Original Page 2 attached hereto.

3. 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 it accepts the certificate it 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 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.

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

Dated at San Francisco, California, this 8th day of MAY, 1979.

John E. Byrnes  
President

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Alvin T. ...  
...  
Commissioners

PWL/NB  
PWL/NB

First Revised Page 2  
Cancels  
Original Page 2

Appendix A  
(Dec. 85468)

EVANS AIRPORT SERVICE, INC.

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

By the certificate of public convenience and necessity granted by the decision noted in the margin, Evans Airport Service, Inc., is authorized to transport passengers and their baggage in either direction between a terminal in the City of Napa (Napa) \*and a terminal in the City of Vallejo, on the one hand, and the passenger terminals at the San Francisco International Airport (SFO), on the other hand, over the most appropriate route, subject to the following provisions:

- (a) The vehicles used in its service shall be vans, limousines, or other passenger automobiles having a seating capacity for no more than \*fourteen passengers and a driver, or a total of fifteen persons.
- (b) The carrier shall have the appropriate local governmental agencies' permission for parking its vans, limousines, and other passenger automobiles to load and discharge passengers at SFO.
- (c) Only passengers whose trips are between Napa and SFO \*or Vallejo and SFO shall be transported. Passengers to or from points intermediate to Napa, Vallejo, and SFO shall not be transported.

Issued by the California Public Utilities Commission.

\*Amended by Decision No. 90273, Application No. 58205.