

Decision No. 90332

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 RUSSELL BEAUCHANE, doing business as  
 AIRPORT TRANSPORTATION SERVICES, for  
 certificate of public convenience and  
 necessity to operate a passenger stage  
 corporation, express baggage service,  
 and to transport unaccompanied baggage  
 or any express matters weighing less  
 than 100 pounds per shipment, among  
 the City of Chico, the Cities of  
 Marysville/Yuba City, and the City of  
 Oroville, on the one hand, and the  
 Sacramento Metropolitan Airport, in  
 the County of Sacramento.

Application No. 58603  
 (Filed January 16, 1979;  
 amended February 27, 1979)

Alan G. Perkins, Attorney at Law, for  
 applicant.  
Eric H. Eberhardt, for himself,  
 protestant.

O P I N I O N

The application of Russell Beauchane, doing business as Airport Transportation Services (ATS), as amended, requests authority to restructure its present scheduled passenger stage operations between Chico, Oroville, Marysville, and Yuba City, on the one hand, and, on the other hand, the Sacramento Metropolitan Airport (the airport), and to serve the city of Paradise in its new operations. The application was protested by Eric H. Eberhardt, doing business as Yuba-Sutter Airporter Service (Airporter) which performs on-call passenger stage operations between Yuba City, Marysville, and the airport. A hearing was held on the matter in San Francisco on August 27, 1979, before Administrative Law Judge Pilling.

ATS' present passenger stage certificate authorizes it to operate over a single route from Chico to Oroville to Marysville to Yuba City, thence back to Marysville and thence to the airport, and return over the same route. ATS currently operates four schedules a day each way between those points using three 11-passenger vans. ATS transports a total of approximately 40 persons per day during the peak summer months in its scheduled operations. ATS services the twin cities of Yuba City and Marysville through an established pickup point in Yuba City.

In place of its present single route, ATS proposes to establish two routes. ATS' proposed Route No. 1 will follow its present route from Chico to Yuba City and then go directly to the airport without having to backtrack to Marysville. ATS' proposed Route No. 1 will not stop in Marysville to pick up or discharge passengers. ATS' proposed Route No. 2 will follow its present route between Chico and Marysville except that its equipment will deviate from the route to pick up and discharge passengers at Paradise. From Marysville, at which it will establish a new pickup and discharge point for use over this route, ATS' proposed Route No. 2 will continue to the airport via its present route between Marysville and the airport. ATS will operate two schedules per day each way over its proposed Route No. 1 and three schedules per day each way over its proposed Route No. 2. The witness for ATS stated that many ATS passengers boarding and off-boarding at Chico have told him they would like to have ATS service at Paradise as it is closer to their homes than Chico. The witness believes that instituting service at Paradise will encourage additional persons in the Paradise area to abandon private transportation as a means of getting to the airport and will use the ATS service instead. While ATS at

one time considered the Yuba City-Marysville area as a single market area and so established only a single pickup and discharge point in that area, a significant number of its passengers have requested direct service at Marysville. The witness also stated that providing two service points in the Yuba City-Marysville area will eliminate superfluous mileage which ATS is now required to operate.

Airporter operates an on-call passenger stage service between Yuba City, Marysville, and the airport with a single 5-passenger vehicle. Airporter averages two passengers per day to and from the airport and requires a two-hour advance notice for its service. Airporter has a 10-hour operating period and is available to meet specific airline arrivals and departures. Airporter claims that 60 percent of its passengers are generated at Yuba City and only 28 percent of its passengers at Marysville. Airporter contends that if ATS is allowed to establish a pickup and discharge point at Marysville Airporter will lose 28 percent of its traffic. Airporter further contends that since ATS has always considered the Yuba City-Marysville area a single marketing area ATS is neither authorized nor should it be permitted to establish another pickup and discharge point in that area.

#### Discussion

We see no merit in Airporter's contention that ATS is not now currently authorized under its certificate to establish a pickup and discharge point in Marysville. ATS' certificate specifically authorizes ATS to serve Marysville on its route. ATS began service in 1978 and in an exercise of managerial discretion decided that one pickup and discharge point in that area would suffice. Through experience and increased business, ATS has decided to increase its service to the public within the confines of its operating authority. ATS' initial decision should not act as an impediment to the exercise of further managerial discretion in upgrading its service within the confines of its operating authority.

Furthermore, the restructuring of ATS' route will not permit ATS to offer a new and different service so far as Marysville is concerned once ATS' decision to establish a pickup and discharge point there was reached. The restructuring will save a few miles at the most by eliminating the shuttle from Marysville to Yuba City and back to Marysville.

Findings of Fact

1. ATS is currently authorized to operate between Chico, Oroville, Marysville, Yuba City, on the one hand, and, on the other hand, the airport via a single route.
2. ATS currently serves the Yuba City-Marysville area with one pickup and discharge point located in Yuba City.
3. ATS intends to establish an additional pickup and discharge point in the Yuba City-Marysville area in Marysville.
4. Under its current authority ATS is authorized to pick up and discharge passengers at Marysville.
5. ATS requests that its single route be restructured into two routes to eliminate a shuttle between Marysville and Yuba City.
6. ATS requests that it be permitted to serve Paradise over one of its proposed new routes.
7. No protests have been received to ATS' request that it be authorized to serve Paradise.
8. Authorizing ATS to restructure its route into two separate routes, as requested, will not permit it to perform a new and different service over what it is currently to provide.
9. The contention of Airporter that ATS is not now currently authorized to establish a pickup and discharge point in Marysville is without merit.
10. The contention of Airporter that ATS is precluded from establishing a pickup and discharge point in Marysville because ATS has not established such point before is without merit.

11. Authorizing ATS to restructure its route, as requested, will permit ATS to achieve some small efficiencies and economies of operation and result in better service to the public.

12. Public convenience and necessity require the granting of the application.

Conclusion of Law

Application No. 58603, as amended, should be granted.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Russell Beauchane, doing business as Airport Transportation Services, 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 described in Appendix A of Decision No. 89802, as heretofore amended, is further amended by incorporating Second Revised Page 1 and Original Page 2, attached hereto and made a part hereof, in place of First Revised Page 1.

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 NOV 6 1979, at San Francisco, California.

John E. Bryan  
President  
Verizon P. Sullivan  
Richard D. Howell  
Alfred T. Schlegel  
James M. Purcell  
Commissioners

Appendix A  
(Dec. 89802)

Russell Beauchane  
doing business as  
AIRPORT TRANSPORTATION SERVICES

Second Revised Page 1  
Cancels  
First Revised Page 1

SECTION I. GENERAL AUTHORIZATION, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS.

\*Russell Beauchane, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage and shipments of express between the Cities of Chico, Paradise, Oroville, Marysville and Yuba City, on the one hand, and the Sacramento Metropolitan Airport, on the other hand, over the routes 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) Stops may be made along the route to pick up or discharge passengers, baggage and express.
- (b) The transportation of express 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.

\*SECTION II. ROUTE DESCRIPTIONS.

Route 1 - Chico, Oroville, Yuba City and Sacramento Metropolitan Airport

Commencing at the Holiday Inn, 685 Manzanita Court, in the City of Chico, to California Highway 99, south on California Highway 99 to the intersection of California Highway 149, south on California Highway 149 to the intersection of California Highway 70, south on California Highway 70 to Motel 6, 505 Montgomery Street, in the City of Oroville, south on California Highway 70 to the City of Marysville, west on California Highway 20, crossing the Feather River, right on Clark Avenue to Bonanza Inn, 1001 Clark Avenue, Yuba City; thence south on Clark Avenue, west on California Highway 20, south on California Highway 99 to its junction with California Highway 70, thence continuing south to Interstate 5 North (Woodland turnoff), continuing on Interstate 5 North to Airport Boulevard turnoff at the Sacramento Metropolitan Airport, thence returning over the same route, with adjustments for local traffic regulations, to the point of beginning.

Issued by California Public Utilities Commission.

\*Changed by Decision No. 90992, Application No. 58603.



Appendix A

Russell Beauchane  
doing business as  
AIRPORT TRANSPORTATION SERVICES

Original Page 2

## SECTION 2. ROUTE DESCRIPTIONS (continued).

\*Route 2. - Chico, Paradise, Oroville, Marysville and  
Sacramento Metropolitan Airport

Commencing at the Holiday Inn, 685 Manzanita Court, in the City of Chico, to California Highway 99, south on California Highway 99 to the intersection of Skyway, east on Skyway to the Short Stop Market, 5309 Skyway, in the City of Paradise, thence east on Skyway to the intersection of Pearson Road, east on Pearson Road to the intersection of Clark Road, south on Clark Road to California Highway 70, south on California Highway 70 to Motel 6, 505 Montgomery Street, in the City of Oroville, south on California Highway 70 through the City of Marysville, to its junction with North Beale Road, thence continuing southeast on North Beale Road to the parking lot of the Peach Tree Mall near Lindhurst Road, southeast on Lindhurst Road to California Highway 70, south on California Highway 70 to its junction with California Highway 99, thence continuing south to Interstate 5, North (Woodland turnoff), continuing on Interstate 5 North to Airport Boulevard turnoff at Sacramento Metropolitan Airport, thence returning over the same route, with adjustments for local traffic regulations, to the point of beginning.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

\*Added by Decision No. 90992, Application No. 58603.