

ORIGINAL

Decision No. 92972 APR 21 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of William C. Trader, an individual, dba, Overland Stage Line for expanded authority to operate as a passenger stage corporation in a home-to-work service between points in San Jose and Milpitas in the Santa Clara County area.

Application No. 60100 (Filed November 20, 1980)

O P I N I O N

William C. Trader, an individual, doing business as Overland Stage Line, is a passenger stage corporation (PSC-1049) operating a day-shift home-to-work service between two points in San Jose and the United Airlines Maintenance Base (UALMB) at the San Francisco International Airport.

Applicant requests to expand his authority to include additional points in the Santa Clara Valley and also to include additional schedules to meet the swing and midnight shifts at the UALMB.

Applicant states that he presently owns a GMC Coach, two Flexibles, and two GMC Suburbans, with a total seating capacity of 235 seats. Applicant has one extra bus in the event of a breakdown and has made a bus lease agreement with West Valley Charter Lines.

Applicant alleges to have sufficient financial resources to institute and operate the proposed service pursuant to the financial statement attached to the application.

Applicant proposes to charge \$17.00 per week for the new service points. The current fare for the existing service to the two points in San Jose is \$12.50 per week. The new

service points are within the existing service route. The proposed fares would result in "long haul-short haul" violations of Public Utilities Code Section 460. Therefore, the fares for the new service must be established so as not to violate the "long haul-short haul" provisions with respect to the fares for the existing service.

The application was listed on the Commission's Daily Calendar of November 24, 1980. The Commission's Transportation Division staff has reviewed the application for public hearing, *and* *it* be granted by ex parte order. No protest or request for hearing has been received. A public hearing is not necessary.

Findings of Fact

1. Public convenience and necessity require the proposed service.
2. Applicant has the equipment and financial resources to perform the proposed service.
3. The proposed fares should be established so as not to violate Public Utilities Code Section 460.
4. It can be seen with certainty that there is no significant effect on the environment.

Conclusion of Law

Public convenience and necessity ^{have} been demonstrated and the application should be granted.

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

1. William C. Trader, an individual, doing business as Overland Stage Line, is authorized to extend his operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, as set forth in First Revised Page 2, Cancels Original Page 2, First Revised Page 3, Cancels Original Page 3, and Original Page 4 in Appendix D to Decision No.89213.

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 filing 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 Charts 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.

3. The proposed fares shall be established so as not to violate Public Utilities Code Section 460.

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

Dated APR 21 1927, San Francisco, California.

John S. Bryan President
Robert W. Hoagland
Leonard W. Smith
Victor C. ...
Francis S. ... Commissioners

Appendix D
(D.89213)

William C. Trader
Doing Business As
OVERLAND STAGE LINE
(PSC-1049)

First Revised Page 2
Cancels
Original Page 2

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

William C. Trader, doing business as Overland Stage Line, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described and to the *shift(s) hereinafter described. The route traversed during pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

*Changed by Decision 92972, Application 60100.

Appendix D
(D.89213)

William C. Trader
Doing Business As
OVERLAND STAGE LINE
(PSC-1049)

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SECTION 2. DESCRIPTION OF POINTS SERVED.

Service shall be operated between the United Airlines Maintenance Base at the San Francisco International Airport and the following points:

Route 1 (Day Shift Only)

1. Branham Lane at Almaden Expressway, San Jose
2. Hillside Avenue at Ross Avenue, San Jose
- *3. Blossom Hill Road and Pearl Avenue, San Jose
- *4. Bascom Avenue and Hamilton Avenue, San Jose

*Route 2 (Day Shift Only)

- *1. McKee Road and Capital Expressway, San Jose
- *2. Berryessa Avenue and Capital Expressway, San Jose
- *3. Hostetter Road and Morrill Avenue, San Jose
- *4. Capewood Lane and Morrill Avenue, San Jose
- *5. Montague Expressway and Trimble Road, San Jose
- *6. Montague Expressway and De La Cruz Boulevard, San Jose

*Route 3 (Day Shift Only)

- *1. South Park Victoria Drive and Landess Avenue, Milpitas
- *2. South Park Victoria Drive and Yosemite Drive, Milpitas
- *3. South Park Victoria Drive and Calaveras Boulevard, Milpitas
- *4. Calaveras Boulevard and Butler Street, Milpitas

*Route 4 (Swing Shift Only)

- *1. McKee Road and Capital Expressway, San Jose
- *2. Berryessa Avenue and Capital Expressway, San Jose
- *3. Main Street and Cedar Way, Milpitas

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*Added by Decision 92972, Application 60100.

Appendix D
(D.89213)

William C. Trader
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SECTION 2. DESCRIPTION OF POINTS SERVED (continued)

*Route 5 (Swing Shift Only)

- *1. Branham Lane and Pearl Avenue, San Jose
- *2. Monterey Highway and Senter Road, San Jose
- *3. McLaughlin Avenue and Umbarger Road, San Jose
- *4. McLaughlin Avenue and Candia Drive, San Jose
- *5. Montague Expressway and De La Cruz Boulevard,
Santa Clara
- *6. Lawrence Expressway and Lakehaven Drive,
Sunnyvale

*Route 6 (Midnight Shift Only)

- *1. McKee Road and Capital Expressway, San Jose
- *2. Capital Expressway and Hostetter Road,
San Jose
- *3. Montague Expressway and Main Street, San Jose
- *4. Montague Expressway and De La Cruz Boulevard,
Santa Clara

Issued by California Public Utilities Commission.

*Added by Decision 92972, Application 60100.