

ALJ/KLK/wav

Decision 97-07-015 July 16, 1997

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ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Serendipity Land Yachts, Ltd. dba South Bay Flyer, for authority to extend passenger stage service on a scheduled basis between Carmel/Monterey, the Salinas Train Station and the Monterey Airport, between San Jose and Santa Cruz, and between Santa Cruz and Monterey.

Application 97-04-034
(Filed April 14, 1997)

O P I N I O N

Serendipity Land Yachts, doing business as South Bay Flyer (applicant), a corporation, requests authority under Public Utilities Code § 1031 *et seq.* to extend its passenger stage corporation to transport passengers and their baggage.

Applicant is currently authorized to operate as a scheduled passenger stage corporation (PSC-8430) pursuant to Decision (D.) 95-02-009. This authority is for; (1) home-to-work transportation between Los Banos, on the one hand, and Milpitas and Gilroy, on the other hand, and (2) airport transportation between certain hotels located in downtown San Jose, Great America Parkway, Sunnyvale, Santa Clara, and Milpitas, on the one hand, and San Jose International Airport (SJC), on the other hand.

Applicant requests authority to operate a scheduled transportation service between Carmel, Monterey, Monterey Airport, and Salinas Train Station and between San Jose, Los Gatos, Santa Cruz and Monterey. Applicant intends to provide eight scheduled trips commencing at 5:45 a.m. from Carmel, then to the City of Monterey, and to Monterey Airport, with two scheduled trips to the Salinas Train Station. The last bus leaves Monterey Airport at 9:30 p.m. and arrives in Carmel at 10:10 p.m. Applicant proposes 14 scheduled trips commencing at 4:20 a.m. from San Jose to Santa Cruz, with three scheduled stops in Los Gatos and one scheduled stop in Monterey. The last scheduled bus will leave Santa Cruz at 10:45 p.m. and arrive in San Jose at 11:35 p.m.

The proposed fares shown in Exhibit C, attached to the application are reasonable. The lowest one-way fare of \$4 is between Los Gatos and Santa Cruz and the

highest one-way fare of \$15 is between San Jose and Monterey. Applicant plans to utilize several buses whose seating capacity varies between 19, 24, and 47. Exhibit E, attached to the application, is an unaudited statement of financial condition as of March 1, 1997. It indicates assets in the amount of \$2,982,600, liabilities in the amount of \$2,802,600 and net worth of \$180,000.

Notice of filing of this application appeared in the Commission's Daily Calendar of April 16, 1997. The applicant mailed a copy of the application to all of the airports, affected transportation agencies and cities. No protest has been received. The Rail Safety and Carriers Division recommends that this application be granted.

Findings of Fact

1. Applicant is currently authorized to operate as a scheduled passenger stage corporation pursuant to D.95-02-009 between Los Banos, on the one hand, and Milpitas and Gilroy, on the other hand, and between certain hotels located in downtown San Jose, Great America Parkway, Sunnyvale, Santa Clara, and Milpitas, on the one hand, and SJC, on the other hand.

2. Applicant proposes to operate as a scheduled passenger stage corporation between Carmel, Monterey, Monterey Airport, and Salinas Train Station and between San Jose, Los Gatos, Santa Cruz and Monterey.

3. Public convenience and necessity require the proposed extension of service.

4. No protests to the application have been filed.

5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application should be granted.

2. Since the matter is uncontested, the decision should be effective on the date signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Serendipity Land Yachts, Ltd. (applicant), a corporation, authorizing it to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-8430 of Decision 95-02-009, is amended, by replacing First Revised Page 4 with Second Revised Page 4 and Original Page 5.

2. Applicant shall:

- a. File a written acceptance of this amended certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in the tariffs and timetable when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- g. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order Series 158.

3. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that its evidence of insurance is on file with the

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Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

4. The application is granted as set forth above.
5. This application is closed.

This order is effective today.

Dated July 16, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners

SECTION III. ROUTE DESCRIPTIONS *(Continued).

SCHEDULED SERVICE

Airport Operations (Concluded)

Route 4 - Milpitas

Commencing from any point in Milpitas as described in *Section IIA, then over the most convenient streets, expressways, and highways to SJC.

*Route 5 - SFO

Commencing from the City of San Jose, then over the most convenient streets, expressways, and highways to SJC, the City of Santa Clara and to San Francisco International Airport (SFO).

Home-to-work Operations

Route A - Los Banos - Milpitas

Commencing from any point in the City of Los Banos, then over the most convenient streets, expressways, and highways to the Cities of San Jose and Milpitas.

Route B - Los Banos - Gilroy

Commencing from any point in the City of Los Banos, then over the most convenient streets, expressways, and Highway 152 with a stop at the junction of Highways 152 and 33, then continue to the City of Gilroy.

Saturday Shopper

Commencing from any point in the City of Los Banos, then over the most convenient streets, expressways, and Highway 152 with a stop at the junction of Highways 152 and 33, then continue over the most convenient streets, expressways and highways to the City of San Jose.

Issued by California Public Utilities Commission.

*Revised by Decision 97-07-015, Application 97-04-034.

SECTION III. ROUTE DESCRIPTIONS (Concluded).

SCHEDULED SERVICE

Intercity Operations

Route IA - Carmel - Salinas Train Station

Commencing from any point in the City of Carmel, then over the most convenient streets, expressways, and highways to the City of Monterey, Monterey Airport, and to the Salinas Train Station, in the City of Salinas.

Route IB - San Jose - Monterey

Commencing from any point in the City of San Jose, then over the most convenient streets, expressways, to the Cities or communities of Los Gatos, Santa Cruz and to Monterey.

Issued by California Public Utilities Commission.

*Revised by Decision 97-07-015, Application 97-04-034.