



FILED

07-14-10

04:59 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Accelar, Inc. to Operate as a scheduled Passenger Stage Corporation between points in San Francisco, Marin, Sonoma, Napa, Alameda, Contra Costa, Solano, San Mateo, Santa Clara, Sacramento, Yolo, Placer, El Dorado, San Joaquin, Stanislaus, Merced and Fresno Counties in the State of California, and to establish a Zone of Rate Freedom for its services.

Application No. 10-06-009

**RESPONSE OF THE CITY AND COUNTY OF SAN FRANCISCO TO
APPLICATION NO. 10-06-009**

The City and County of San Francisco (“City”), acting by and through its Municipal Transportation Agency (“SFMTA”) submits this Response to Application No. 10-06-009 pursuant to Rule 2.6 of the rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (the “Commission”) as follows:

1. BACKGROUND AND SUMMARY

The San Francisco Municipal Transportation Agency (SFMTA) is a multi-modal transportation organization responsible for operating buses, rail, cable cars and a historic fleet of streetcars, as well as developing and implementing innovative transportation solutions to benefit auto drivers, transit riders, bicyclists and pedestrians. SFMTA programs and services promote safe, efficient and convenient mobility alternatives for San Francisco residents, commuters, businesses and visitors. In addition to providing public transportation service for the City, SFMTA

is charged with regulating the flow of vehicle, bicycle and pedestrian traffic, including regulations for parking, stopping and standing in San Francisco.

SFMTA has an interest in the outcome of this proceeding to the extent that any authority granted by the Commission could impact or interfere with either the public transit service operated by SFMTA or the flow of traffic in the City. The paucity of information in the Application concerning the routes of the proposed service and the locations for passenger loading and unloading within the City denies SFMTA a reasonable opportunity to evaluate how Applicant Accelar, Inc.'s ("Accelar") proposed service could affect either SFMTA's public transit operations in the City or the flow of vehicular, pedestrian or bicycle traffic within the City. Thus, the City appears in these proceedings as an interested party, rather than as a protestant, in order to gain a better understanding of the service proposed by Accelar and the extent to which the service could impact SFMTA's public transit operations or traffic congestion in the City, as well as to bring these issues to the attention of the Commission.

2. CORRESPONDENCE AND COMMUNICATIONS

All subsequent correspondence, communications and pleadings in connection with this Response or the subject Application should be directed to:

1. David A. Greenburg
Office of the City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: (415) 554-3958
Fax: (415) 255-3139
Email: david.greenburg@sfgov.org

2. Bond M. Yee, Acting Director
Sustainable Streets Division
San Francisco Municipal Transportation Agency
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Tel: (415) 701-4677
Fax: (415) 701-4735
Email: bond.yee@sfmta.com

3. SFMTA CONCERNS

Accelar filed this application on June 15, 2010, seeking authority from the California Public Utilities Commission (the "Commission") to operate as a scheduled Passenger Stage Corporation ("PSC") between points in various counties in Northern California, including the City and County of San Francisco, for sporting and other public events.

The City is a very densely populated urban area that experiences significant traffic congestion, particularly in the downtown core area in which Accelar is proposing to operate. Haphazard passenger loading and unloading practices by current private transportation service operators is already a contributing factor to traffic congestion in the City's downtown area.

Accelar's proposed service would include picking up and discharging passengers at unspecified locations which could include the heavily congested downtown area, as well as a specific route that would provide service to and from baseball games and other events at AT&T Park in San Francisco.

Accelar's Application provides inadequate information concerning proposed stops and arrangements for passenger loading and unloading in San Francisco. Exhibit B to the Application, "Proposed Routes of Operation," refers to a route "[f]rom a points or points (within one mile of Highway 101) in the City and County of San Francisco." (See, e.g., Ex. B to Application, Route I, at 1; this description is typical of San Francisco portion of the other proposed routes in the Application). No

more detailed information is provided as to the location of stops. "Points within one mile of Highway 101" encompasses a broad swath of the City, including portions of the City's downtown core and other areas of the City that are prone to severe traffic congestion. Without more specific information, SFMTA is unable to meaningfully evaluate the potential impacts of Accelar's proposed service on either SFMTA's public transit operations or on traffic congestion generally.

In addition, the Application proposes service to AT&T Park in San Francisco. (Route IV, Ex. B to Application, at 7-9). But the Application does not specify when or where the service would pick up or drop off passengers for events at AT&T Park. There is very significant traffic congestion in the vicinity of AT&T Park before and after games, and SFMTA imposes a variety of parking and traffic restrictions, including closing street segments, in this area during games and other events at AT&T Park. Depending on when and where Accelar proposes to pick up and drop off passengers, the proposed service could significantly contribute to traffic congestion around AT&T Park.

SFMTA staff has discussed these concerns with Accelar, and Accelar has advised staff that it does not intend to use SFMTA bus stops for the pickup and discharge of passengers. Accelar has also expressed a willingness to work with SFMTA to address the Agency's concerns about increased traffic impacts around AT&T Park. Nonetheless, Accelar's operating plan should address these concerns. In the absence of a more detailed operating plan from Accelar, the City must protect its interests by participating in these proceedings.

3. CONCLUSION

For the reasons set forth above, the City requests that the Commission require Accelar to provide a more detailed operating plan that provides more specific information on the passenger pickup and discharge locations for the proposed service in the City, and also addresses passenger pickup and discharge for proposed service to

and from AT&T Park. If necessary, the City reserves the right to convert its participation to that of a third party protestant.

Dated: July 12, 2010

Respectfully submitted,

DENNIS J. HERRERA

City Attorney

JULIA M.C. FRIEDLANDER

SFMTA General Counsel

DAVID A. GREENBURG

Deputy City Attorney

By: _____ /S/
DAVID A. GREENBURG

Attorneys for Respondent
CITY AND COUNTY OF SAN FRANCISCO

1390 Market Street
Seventh Floor
San Francisco, California 94102-4682
Telephone: (415) 554-3958
Facsimile: (415) 255-3139
Email: david.greenburg@sfgov.org

CERTIFICATE OF SERVICE

I, Cheryl Leger, declare that:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is City Attorney's Office, 1390 Market Street, Fox Plaza, 6th Floor, San Francisco, CA 94102; telephone (415) 554-3935.

On July 14, 2010, I served

**RESPONSE OF THE CITY AND COUNTY OF SAN FRANCISCO TO
APPLICATION NO. 10-06-009**

by electronic mail on all parties in CPUC Proceeding No. A10-06-009

The following addresses without an email address (and see attached service list) were served: BY UNITED STATES MAIL on the following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

JIM GALUSHA SILVERADO STAGES, INC. 241-B PRADO ROAD SAN LUIS OBISPO, CA 93401	JOSE E. GUZMAN, JR. ATTORNEY AT LAW NOSSAMAN LLP 50 CALIFORNIA STREET, 34TH FLOOR SAN FRANCISCO, CA 94111-4799
--	---

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 14, 2010, at San Francisco, California.

_____/S/_____
CHERYL LEGER

**SERVICE BY U.S. MAIL
OF MOTION OF
ACCELAR, INC.**

AC Transit
1600 Franklin Street
Oakland, CA 94612

Benicia Breeze
City of Benicia Transit Services Div
250 East "L" Street
Benicia, CA 94510

The County Connection
2477 Arnold Industrial Way
Concord, CA 94520

Fairfield-Suisun Transit (FST)
City of Fairfield Public Works
1000 Webster Street
Fairfield, CA 94533

Golden Gate Transit
1011 Andersen Drive
San Rafael, CA 94901

San Francisco Municipal Transportation
Agency (SFMTA)
One S. Van Ness Ave. 7th Floor
San Francisco, CA 94103

San Mateo County Transit District
(SamTrans)
POB 3006
San Carlos, CA 94070

Petaluma Transit
555 North McDowell Boulevard
Petaluma, CA 94954

Rio Vista Delta Breeze
One Main street
Rio Vista, CA 94571

Santa Rosa Transit
635 First Street, Second Floor
Santa Rosa, CA 95404

CityBus
100 Santa Rosa Ave. Room 6
POB 1678
Santa Rosa, CA 95402

Vallejo Transit
1850 Broadway
Vallejo, CA 94589

Tri Delta Transit
801 Wilbur Avenue
Antioch, CA 94509

WestCat
601 Walter Avenue
Pinole, CA 94564

Union City Transit and Paratransit
34009 Alvarado-Niles Road
Union City, CA 94587

Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Sonoma County Transit
355 West Robles Avenue
Santa Rosa, CA 95407

Altamont Commuter Express
949 East Channel Street
Stockton, CA 95202

San Joaquin Regional Transit District
POB 201010
Stockton, CA 95201

The VINE
VINE Transit Center
1151 Pearl Street
Napa, CA 94559

City Manager
City of Sacramento
915 "I" Street, 5th floor
Sacramento, CA 95814

Jon Maginot
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Michael Marino
President/CEO
California Wine Tours
4075 Solano Avenue
Napa, CA 94558

Jim Galusha
Silverado Stages
241-B Prado Road
San Luis Obispo, CA 93401

Metropolitan Transportation
Commission
101 Eighth Street
Oakland, CA 94607

Napa County Transportation & Planning
Agency
707 Randolph, #100
Napa, CA 94559

San Joaquin Council of Government
555 East Weber Avenue
Stockton, CA 95202

City Manager
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

City Manager
City of Benecia
250 East L Street
Benecia, CA 94510

City Manager
City of Santa Rosa
100 Santa Rosa Ave, Room 10
Santa Rosa, CA 95404

City Manager
City of Union City
34009 Alvarado Niles Road
Union City, CA 94587

City Manager
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

City Manager
City of Petaluma
11 English Street
Petaluma, CA 94952

City Manager
City of Novato
75 Rowland Way #200
Novato, CA 94945

City Manager
City of San Rafael
POB 151560
San Rafael, CA 94915

City Manager
City of Fremont
3300 Capitol Avenue, Building A
Fremont, CA 94538

City Manager
City of Hayward
777 B Street
Hayward, CA 94541

City Manager
City of Pittsburgh
65 Civic Avenue
Pittsburgh, CA 94565

Office of the Mayor
City and County of San Francisco
City Hall, RM 200
1 Dr. Carlton B. Goodlett Pl
San Francisco, CA 94102

City Manager
City of Antioch
P. O. Box 5007
Antioch, CA 94531

City Manager
City of Martinez
525 Henrietta
Martinez, CA 94553

City Manager
City of Millbrae
621 Magnolia Avenue
Millbrae, CA 94030

City Manager
City of Burlingame
501 Primrose Road
Burlingame, CA 94010

City Manager
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403

City Manager
City of Belmont
One Twin Pines Lane
Belmont, CA 94002

City Manager
City of San Carlos
600 Elm Street
San Carlos, CA 94070

City Manager
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063

City Manager
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

City Manager
City of Concord
1950 Parkside Drive
Concord, CA 94519

City Manager
City of Palo Alto
250 Hamilton Avenue, 7th Floor
Palo Alto, CA 94301

City Manager
City of Mountain View
500 Castro Street
Mountain View, CA 94039

City Manager
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94088

City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

City Manager
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

City Manager
City of Modesto
1010 10th Street
Modesto, CA 95354

City Manager
City of Merced
678 West 18th Street
Merced, CA 95340

City Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721

City Manager
City of Cupertino
Cupertino Coty Hall
10300 Torre Avenue
Cupertino, CA 95014

City Manager
City of Los Altos
One North San Angtonio Road
Los Altos, CA 94022

City Manager
City of Roseville
311 Vernon Street
Roseville, CA 95678

City Manager
City of Lincoln
600 6th Street
Lincoln, CA 95648

City Manager
City of San Bruno
567 El Camino Real
San Bruno, CA 94066

City Manager
City of El Dorado Hills
4364 Town Center Blvd., Ste. 212
El Dorado Hills, CA 95762

City Manager
City of Daly City
333 90th Street
Daly City, CA 94015

City Manager
City of Napa
955 School Street POB 660
Napa, CA 94559

Sacramento Area Council of Govts
1415 L Street, Suite 300
Sacramento, CA 95814

City Manager
City of Milipitas
455 Calavaras Boulevard
Milipitas, CA 95035

Town of Danville
510 La Gonda Way
Danville, CA 94526

City Manager
City of Stockton
425 N. EL Dorado Street
Stockton, CA 95202

City Manager
City of Davis
23 Russell Boulevard
Davis, CA 95616

City Administrator
City of Oakland
One City Hall Plaza 3rd Floor
Oakland, CA 94612

Placer County Transportation Agen.
299 Nevada Street
Auburn, CA 95603

City Manager
City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596

City Manager
City of Pleasanton
123 Main Street
Pleasanton, CA 94566

City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563

City Manager
City of San Ramon
2228 Camino Ramon
San Ramon, CA 94583

City Manager
City of Fairfield
10000 Webster Street
Fairfield, CA 94533

City Manager
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Gregg Bragg
California Highway Patrol
PO Box 942898
Sacramento, CA 94289-0001