

Decision \_\_\_\_\_

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

In the Matter of the Application of Yousif A. Ibrahim, dba Safety Express Shuttle (PSC 11390) (1) to expand existing passenger stage corporation authority to serve the Counties of Santa Clara, Marin, Napa, Solano, Sonoma, San Joaquin, San Mateo, Stanislaus, Monterey, Santa Cruz and Sacramento and the San Jose International Airport; (2) to expand the ZORF (zone of rate freedom) authority to apply to all fares authorized and (3) grant all fares requested herein and authorize increases of fares to and from presently authorized points.

Application 14-09-005  
(Filed September 9, 2014)

**D E C I S I O N   G R A N T I N G   A P P L I C A T I O N****Summary**

This decision grants the application of Yousif A. Ibrahim, doing business as Safety Express Shuttle, an individual, pursuant to Pub. Util. Code §§ 1031 et seq., to expand his Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish an expanded Zone of Rate Freedom and increased fares, pursuant to Pub. Util. Code § 454.2.

**Discussion**

Yousif A. Ibrahim, doing business as Safety Express Shuttle (Applicant), provides an on-call Passenger Stage Corporation (PSC) service under a certificate granted by Decision (D.) 99-04-056. The certificate authorizes the transportation of passengers and their baggage between points in San Francisco, Alameda, and Contra Costa Counties, and the San Francisco (SFO) and Oakland (OAK)

International Airports. The application requests authority to expand the on-call PSC authority to include points in the Counties of Santa Clara, Marin, Napa, Solano, Sonoma, San Joaquin, San Mateo, Stanislaus, Monterey, Santa Cruz and Sacramento, and to add San Jose (SJC) International Airport to the list of airports served. The application also proposed increased fares for San Francisco, Alameda, and Contra Costa Counties, and new fares for the expanded service, as well as authority to expand its Zone of Rate Freedom (ZORF).

Applicant states there is an increasing demand for on-call PSC service to points beyond its currently authorized service territory, and governmental agencies are encouraging ride sharing to the airport, which will result in a benefit to the environment and reduction of private vehicles on the road. A California Environmental Quality Act review is not required because approval of the application will not have a significant adverse effect on the environment.

Applicant states it has the experience and ability to conduct the expanded PSC service. Applicant indicates it has provided on-call service for thirteen years. Attached to the application as Exhibit C is Applicant's unaudited balance sheet as of June 1, 2014, which discloses assets of \$191,500, zero liabilities, and net worth of \$191,500.

The proposed fares for the present and expanded service, listed in Exhibit A of the application, range between \$50 (Alameda to OAK) and \$324 (Sacramento to SJC). In D.99-04-056, a ZORF of \$8 above and below authorized rates was adopted. Applicant now proposes an expanded ZORF of \$25 above and below authorized rates in order to regain a competitive position with the many service operators in his territory. The requested ZORF will give the Applicant flexibility to adjust his fares in the future to respond to changes in operating costs, passenger counts, and other factors affecting revenues and expenses. The minimum fare will be \$25. Applicant will compete with other

PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations. This highly competitive environment should result in Applicant pricing its services at a reasonable level.

Notice of filing of the application appeared in the Commission's Daily Calendar on September 11, 2014. Applicant served a notice of the application to the affected airports, cities, and counties, and regional transit authorities.

In Resolution ALJ 176-3342, dated September 11, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3342.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Safety Considerations**

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

### **Assignment of Proceeding**

Denise Tyrrell is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Applicant operates as an on-call PSC pursuant to D. 99-04-056 between points in the Counties of San Francisco, Alameda, and Contra Costa, and SFO and OAK International Airports.
2. The application requests authority to expand Applicant's PSC certificate to include service between points in the Counties of Santa Clara, Marin, Napa, Solano, Sonoma, San Joaquin, San Mateo, Stanislaus, Monterey, Santa Cruz, and Sacramento, and the SFO, OAK and SJC International Airports.
3. D.99-04-056 authorized the Applicant to establish a ZORF of \$8 above and below authorized rates.
4. Applicant requests to expand the ZORF to \$25 above and below the authorized fare for any route. The minimum fare will be \$25.
5. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations.
6. Applicant served a notice of the application to the affected airports, cities, counties, and regional transit authorities.
7. No protest to the application has been filed.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. A public hearing is not necessary.
3. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.
4. The request for a ZORF should be granted because the ZORF is fair and reasonable.

5. Before Applicant changes any fares under the authorized ZORF, Applicant should be required to give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

6. Because the matter is uncontested, the decision should be effective on the date it is signed.

## **O R D E R**

### **IT IS ORDERED** that:

1. The Certificate of Public Convenience and Necessity granted to Yousif A. Ibrahim, dba Safety Express Shuttle, an individual, authorizing him to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-11390 attached below. Appendix PSC-11390 of Decision 99-04-056, is revised by replacing Original Page 3 with First Revised Page 3, subject to the conditions contained in the following Ordering Paragraphs.

2. Yousif A. Ibrahim, dba Safety Express Shuttle, shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.

- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

3. Yousif A. Ibrahim, dba Safety Express Shuttle, is authorized to establish a Zone of Rate Freedom for its current and expanded services of \$25 above and below the authorized fare for any route. The minimum fare is \$25.

4. Yousif A. Ibrahim, dba Safety Express Shuttle, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Yousif A. Ibrahim, dba Safety Express Shuttle, may make changes within the Zone of Rate Freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Yousif A. Ibrahim, dba Safety Express Shuttle, shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Yousif A. Ibrahim, dba Safety Express Shuttle (Applicant), is authorized to begin operating the expanded service on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to San Francisco International Airport (SFO), Oakland International Airport (OAK) and San Jose International Airport (SJC), Yousif A. Ibrahim, dba Safety Express Shuttle (Applicant), shall notify each airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

9. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC-11390), granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated March 26, 2015, at San Francisco, California.

\* SECTION II. SERVICE AREA.

- A. Points and places in the Counties of San Francisco, Alameda, Contra Costa, Santa Clara, Marin, Napa, Solano, Sonoma, San Joaquin, San Mateo, Stanislaus, Monterey, Santa Cruz and Sacramento.
- B. San Francisco International Airport (SFO), Oakland International Airport (OAK), San Jose International Airport (SJC)

SECTION III. ROUTE DESCRIPTIONS.

Commencing from any point described in Section IIA, then over the most convenient streets and highways to the airport described in Section IIB.