

Decision No. 36053

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN )  
 DIEGO ELECTRIC RAILWAY COMPANY, a corpor- )  
 ation, for a limited certificate of public )  
 convenience and necessity to establish an )  
 automobile bus line, for the duration of )  
 the present National Emergency and ninety )  
 days thereafter, between the downtown )  
 business district of San Diego, California )  
 and the plant of Rohr Aircraft Corporation )  
 located in the City of Chula Vista, Calif- )  
 ornia. )

Application No.25425

BY THE COMMISSION:

O P I N I O N

In the above-entitled application San Diego Electric Railway Company, a corporation, requests a certificate of public convenience and necessity authorizing the establishment and operation of service as a passenger stage corporation, as defined by Section 24 of the Public Utilities Act, between San Diego and Chula Vista and intermediate points. The proposed service would be restricted to the employees of the Rohr Aircraft Company who would be identified by a suitable badge to be provided by said corporation. This authority is requested for the duration of the present national emergency and ninety days thereafter.

The foregoing described service would be provided under the terms of an agreement entered into on the eleventh day of December, 1942 by and between applicant and the Rohr Aircraft Company, hereinafter sometimes referred to as Rohr. Under the terms of that agreement applicant agrees to establish a passenger stage service over two different routes between the points above

set forth, exclusively for the benefit of the employees of Rohr. Applicant agrees to begin the service by operating three stages over Route No. 1 and one stage over Route No. 2. It would provide additional equipment as needed, subject to a maximum number of ten units. If the capacity of the ten units is exceeded, Rohr agrees to use its best endeavors to make it possible for applicant to handle all traffic offered either by staggering the shifts at Rohr's plant or by furnishing additional acceptable equipment to applicant. For any equipment supplied by Rohr to applicant, applicant agrees to pay as rental therefor the sum of  $3\frac{1}{2}$  cents a mile for each mile operated. The parties further agree that Rohr shall make available to applicant sufficient drivers to operate equipment used in the proposed service. These drivers would be employed by applicant at the standard scale of wages paid its other drivers after establishing their qualification following a period of instruction. It is further agreed that Rohr shall provide sufficient help to handle the collection of fares at its plant. For this service, applicant will pay one-half hours time, at its current wage scale for the collecting of fares, for each group movement. Rohr also agrees to provide and maintain at its plant a fenced and paved area, together with passageways and shelter for passengers and fare collectors for the loading and unloading of buses and the collection of fares. It is agreed that applicant shall have full and complete control over all matters in connection with the transportation service proposed.

Applicant proposes to operate the foregoing described service under its existing zone system fare structure for an experimental trial period ending June 20, 1943 at passenger fares as follows:

Between San Diego and Rohr Aircraft Plant:

One Way . . . . .	.50.20
Round Trip - Inner Zone Transfer privilege . . . . .	.25
Round Trip - Inner & Outer Zone transfer privilege . . . . .	.30
Weekly Pass . . . . .	1.50

Upon the termination of the experimental trial period, permanent fares would be established as follows:

Between San Diego and Rohr Aircraft Plant:

One Way . . . . .	.50.25
Round Trip - Inner Zone transfer privilege . . . . .	.35
Round Trip - Inner & Outer Zone transfer privilege . . . . .	.40
Weekly Pass . . . . .	1.50

Schedules would be arranged so as to meet the peak loads at the times of shift changes.

As justification for the authority sought it is alleged that Rohr is engaged in the manufacture of essential parts used in the aircraft industry and at the present time there are no public transportation facilities available to the employees of this plant whose places of residence are at various locations scattered throughout the entire area of San Diego, Chula Vista and National City. Applicant states that the proposed operation is not one that is particularly attractive to it from a financial standpoint, but that it is willing to provide such service under the terms of the agreement because of the importance of the industry to the war effort.

Pacific Greyhound Lines, the only other passenger stage corporation operating in the immediate territory affected, has indicated that it would not oppose the granting of the application.

After due consideration the Commission is of the opinion that the authority sought is in the public interest and should be granted. No public hearing appears to be necessary.

ORDER

It being hereby found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to San Diego Electric Railway Company, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined by Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers between San Diego and Chula Vista and intermediate points, via National City, subject to the following conditions:

- a. The foregoing service shall be operated exclusively for the employees of the Rohr Aircraft Company who shall be identified by suitable badges to be provided by said corporation.
- b. San Diego Electric Railway Company, its successors or assigns, may never claim before this Commission or any court or other public body a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it.

(2) That applicant is hereby authorized to execute an instrument substantially in the same form as the agreement dated December 11, 1942, a copy of which is attached to and made a part of the application herein, within thirty (30) days after the effective date hereof.

(3) That the certificate of public convenience and necessity herein granted shall expire ninety (90) days after the

cessation of the present hostilities.

(4) That applicant shall establish the experimental passenger fares set forth in the foregoing opinion for a trial period ending June 20, 1943, unless sooner cancelled, changed or extended by order of the Commission, and concurrently with the expiration of such experimental fares, establish permanent passenger fares not in excess of those referred to in the foregoing opinion.

(5) That in the operation of said passenger stage service pursuant to the foregoing certificate, San Diego Electric Railway Company shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct said passenger stage operations over and along the following routes:

Route No. 1:

Commencing at the intersection of Third Avenue and E Street, via E Street, 16th Street, National Avenue, 26th Street and Main Street, all in the City of San Diego; thence continuing along National Avenue through the City of National City and along National Avenue and G Street or H Street in the City of Chula Vista to the Rohr Aircraft Company plant; also

Route No. 2:

Commencing at the intersection of 16th Street and Market Street, via Market Street, 47th Street, Logan Avenue, 43rd Street and Highland Avenue in the City of San Diego; thence continuing along Highland Avenue through the City of National City; and along Highland Avenue, E Street, Third Street and H Street or G Street in the City of Chula Vista to the Rohr Aircraft Company plant.

Applicant may turn its motor vehicles at termini, either at the intersections of the streets or by operating around a block contiguous to such intersection in either direction.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1942

Justus J. Cassin

Francis R. Havenner  
Richard Kachse

COMMISSIONERS