

Decision No. ~~36457~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES, for a certif-)
icate of public convenience and neces-)
sity for the transportation of passeng-)
ers, baggage and express between San Diego and)
the Mexican Border south of San Ysidro,)
and for a new certificate of public con-)
venience and necessity in lieu of former)
grants of operating rights between said)
points.)

Application No. 25474

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Pacific Greyhound Lines, a corporation, among its operations now provides a service for the transportation of passengers, baggage and express between San Diego and the Mexican border near San Ysidro and intermediate points, subject to certain local restrictions. The operative rights for this service were acquired by applicant from its predecessor in interest, Pacific Southland Stages, Inc., under the authority of the Commission's Decision No. 34890, in Application No. 24661. They were created, in part, by operation prior to May 1, 1917 by one F. A. Sutherland and by certificates granted to him and his successor by the Commission.

The routes used in this operation have never been defined. In the application here considered applicant seeks to have these routes described and authorized so that it may continue to provide the most direct and practical service between these points. This involves the routing of certain regular schedules over routes which afford the most direct service between points and for the establishment of certain additional routes to be used to

meet exceptional operating requirements. It also desires to remove any question as to the intrastate routes of service being the same routes as those used in interstate service under Interstate Commerce Commission certificates, so that all stages operated in this territory may lawfully transport both interstate and intrastate passengers. It also requests a new certificate of public convenience and necessity in lieu of all previously granted rights in this territory, as an extension and enlargement of its present operative rights.

In support of the authority sought it is stated that public convenience and necessity require that applicant's intrastate and interstate service between San Diego and the Mexican border be coordinated as to routes so that all interstate schedules be made available for intrastate passengers; that service to (1) communities which were formerly on the main and most direct route (old U. S. Highway No. 101), be continued by diverting appropriate schedules from the main direct highway into and through said cities by the most direct and practical route. It is further asserted that under present war conditions it becomes necessary for applicant to render only such service which is essential, to adopt the shortest practical routes available therefor, and to have every stage operated serve and transport the greatest possible number of passengers. The proposals are assertedly designed to serve such purpose. It is alleged that no enlargement of applicant's present operative rights will result which will conflict with the services rendered by any other common carrier. No points now served by applicant will be deprived of any service now rendered.

(1) Old U. S. Highway No. 101 has been relocated and points thereon must be served by diversion from the new highway.

After a full consideration of the allegations contained in the application the Commission is of the opinion that the authority sought is in the public interest and it will be granted. This is not a matter requiring a public hearing.

O R D E R

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

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Pacific Greyhound Lines, 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, baggage and shipments of express weighing not in excess of one hundred (100) pounds on passenger carrying vehicles only, between San Diego and the Mexican border near San Ysidro, at a point where U.S. Highway No. 101 intersects such border, as an extension and enlargement of the certificate heretofore granted by Decision No. 23244, dated December 31, 1930, in lieu of the operative rights heretofore acquired by said Pacific Greyhound Lines under the authority of the Commission's Decision No. 34890, in Application No. 24661. This certificate is granted subject to the following restrictions and conditions

1. No passengers may be transported whose point of origin and point of destination are between:
 - a. Applicant's San Diego terminal and the southerly city limits of San Diego;
 - b. Between the northerly city limits of National City and 19th Street, National City;
 - c. Between points within the city limits of Chula Vista.

2. The authority herein granted is subject to the provisions of section 52(b) of the Public Utilities Act and further to the condition that Pacific Greyhound Lines, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative right or claim as the cost thereof, an amount in excess of that paid for said right by the original grantee thereof.

IT IS FURTHER ORDERED that the operative rights heretofore created or acquired under the authority of the following decisions are hereby revoked and annulled:

<u>Decision No.</u>	<u>Dated</u>	<u>Appl. No.</u>
20697	January 21, 1929	15222
21844	November 30, 1929	15993
23455	March 2, 1931	17018
27198	July 10, 1934	19481
32367	September 26, 1939	22985
34890	December 30, 1941	24661

IT IS FURTHER ORDERED that service under the foregoing certificate shall be provided pursuant to 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 Orders Nos. 79 and 80 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 operations over and along the following routes:

REGULAR ROUTES

1. Between San Diego and the United States - Mexican Border south of San Ysidro, via U. S. Highway 101 to Otay Junction, thence via the main highway through Palm City, Nestor and San Ysidro.

2. Between the intersection of "E" Street, Chula Vista, with U. S. Highway 101 and Otay Junction, via "E" Street, Chula Vista, and Third Avenue to Otay, and thence via the main direct highway westerly to Otay Junction.

OPTIONAL ROUTES FOR FULL LOADS
OR EXTRA SECTIONS ONLY

1. Between the intersection of "K" Street, Chula Vista, with U. S. Highway 101, and Third Avenue, Chula Vista, via "K" Street.
2. Between Otay Junction and the United States - Mexican Border south of San Ysidro, via U.S. Highway 101.
3. Between Otay and San Ysidro, via Third Avenue to its intersection with U. S. Highway 101, thence via U. S. Highway 101 to its intersection with the direct San Ysidro Road, thence via San Ysidro Road to San Ysidro.

Applicant shall turn its motor vehicles at termini or intermediate points, either in the intersection 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 22nd day
of June, 1943.

Francis R. Havenner

Richard K. Kishner

Samuel W. Clon

COMMISSIONERS