

ORIGINALDecision No. 45975

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PACIFIC GREYHOUND LINES for)
authority to revise routes of) Application No. 32296
operation and operating author-)
ity between Elsinore and San)
Diego.)

R. E. Thomas for applicant. Howard C. Robertson and
Earl W. Howell, protestants. Beatrice A. Horton for Escondido
Boulevard Improvement Association; Anna Borchert for San Marcos
Land Company; Don E. McGrew for Vista Chamber of Commerce;
interested parties.

O P I N I O N

Applicant now operates a passenger stage service for the transportation of passengers, baggage and express, pursuant to authority granted by this Commission ⁽¹⁾, between Elsinore and San Diego via U. S. Highway No. 395 from Elsinore to Murrieta, thence via U. S. Highway No. 395 to Murrieta Hot Springs Junction, or via the main direct highway through Murrieta Hot Springs, thence via U. S. Highway No. 395 to North Rainbow Junction, thence via former U. S. Highway No. 395 between North Rainbow Junction and South Rainbow Junction, U. S. Highway No. 395 between South Rainbow

(1) For descriptions of rights and routes involved see paragraph 76 of the order of Decision No. 23244, dated December 31, 1930 (35 C.R.C. 667 at 679); Decision No. 36493, dated July 20, 1943, on Application No. 25683; Decision No. 36660, dated October 19, 1943, on 1st Supplemental Application No. 25683; Decision No. 37505, dated November 28, 1944, on 2d Supplemental Application No. 25683; Decision No. 39633, dated November 19, 1946, on Application No. 27641; Decision No. 41082, dated December 29, 1947, on Application No. 28968; and Decision No. 45451, dated March 13, 1951, on Application No. 32082.

Junction and Fallbrook Junction, former U. S. Highway No. 395 between Fallbrook Junction and Escondido, U. S. Highway No. 395 between Escondido and Lake Hodges, former U. S. Highway No. 395 between Lake Hodges and Miramar, U. S. Highway No. 395 between Miramar and North Camp Elliott Junction, former U. S. Highway No. 395 between North Camp Elliott Junction and South Camp Elliott Junction, and U. S. Highway No. 395 between South Camp Elliott Junction and Linda Vista Junction ⁽²⁾. From Linda Vista Junction applicant uses two routes into San Diego: (a) Linda Vista Road via Linda Vista to San Diego, and (b) U. S. Highway No. 395 (Cabrillo Freeway) to San Diego.

Applicant seeks additional authority between certain points along the described route, viz., to transport passengers, baggage and express over U. S. Highway No. 395 between North Rainbow Junction and South Rainbow Junction; over U. S. Highway No. 395 between Fallbrook Junction and Escondido; over U. S. Highway No. 395 between Lake Hodges and Miramar; and over U. S. Highway No. 395 between North Camp Elliott Junction and South Camp Elliott Junction. Applicant also requests that it be granted rights, as an extension of its present authority, to transport passengers, baggage and express between U. S. Naval Auxiliary Air Station and La Jolla Junction over an unnumbered highway, and that it be permitted to abandon service (a) over former U. S. Highway

(2) Application No. 32082 refers to this junction as "Cabrillo Junction", and Decision No. 45451 on that application uses that name. The instant application states that the name "Cabrillo Junction" is erroneous, and that the correct name of the junction is "Linda Vista Junction."

No. 395 between North Rainbow Junction and South Rainbow Junction, and (b) over former U. S. Highway No. 395 between Lake Hodges and Miramar. Authority also is sought to discontinue service between Camp Elliott and Old Town Junction over former U. S. Highway No. 395 and Camino Del Rio. No authority for this latter abandonment is required, however, as this authority has heretofore been cancelled ⁽³⁾.

A public hearing was held in Escondido on June 8, 1951, before Examiner Rogers, evidence was presented and the matter was submitted. It is now ready for decision. Prior to the hearing, notice thereof was posted in applicant's buses and terminals, as required by the Commission. A copy of the application was served on the Division of Highways of the Department of Public Works of the State of California on April 12, 1951, and notice of the hearing was served on the Division of Highways on June 8, 1951. It made no appearance at the hearing.

Applicant, as set forth above, now has authority to serve over former U. S. Highway No. 395 between (a) Fallbrook Junction and Escondido, and (b) North Camp Elliott Junction and South Camp Elliott Junction. It seeks authority to perform the same service between the named points, using relocated U. S. Highway No. 395 as alternate routes. Applicant alleges that the alternate route over U. S. Highway No. 395 between Fallbrook Junction and Escondido saves about 45 minutes of travel time between these points, and that through passengers should not be

(3) Decision No. 37505, dated November 25, 1944, on 2d Supplemental Application No. 25683.

required to travel the longer route over former U. S. Highway No. 395. Applicant also alleges that many stages are completely loaded at a point above North Camp Elliott Junction for San Diego, and that such loaded sections should not be required to travel through Camp Elliott over former U. S. Highway No. 395. There was no opposition to these requests. The Commission is of the opinion, and finds, that the public interest requires that applicant be granted authority to operate (a) between Fallbrook Junction and Escondido, and (b) between North Camp Elliott Junction and South Camp Elliott Junction over U. S. Highway No. 395 as alternate routes and in addition to its present authority to operate between these points over former U. S. Highway No. 395.

Applicant seeks to abandon service over former U. S. Highway No. 395 between North Rainbow Junction and South Rainbow Junction, and, in lieu thereof, to perform such service between those points via U. S. Highway No. 395. Applicant alleges that the use of the new highway will result in a substantial saving of time to passengers. A traffic check ⁽⁴⁾ made for the entire month of April, 1951, shows that during that period but five passengers boarded and six passengers alighted at Rainbow, the only community along the former U. S. Highway No. 395 between the two junctions. There was no opposition to this proposed rerouting. The Commission is of the opinion, and finds, that the proposed reroutings are in the public interest, and, therefore, the authority requested will be granted.

Applicant also seeks to abandon service over former U. S. Highway No. 395 between Lake Hodges and Miramar, and to substitute

(4) Exhibit No. 3.

therefor service between those points over U. S. Highway No. 395. The evidence in support of this request shows that there are two small communities, Meadowbrook and Poway Corners, along the present route. A traffic check ⁽⁵⁾ for the month of April, 1951, shows that, during this period, applicant operated four daily schedules, one Saturday only schedule, and two Sunday only schedules. With all these schedules, three persons boarded and four alighted at Meadowbrook, and nine boarded and 25 alighted at Poway Corners, a total of 41 passengers, or about one and one-third passengers per day. The distance between Lake Hodges and Miramar via U. S. Highway No. 395 is two and two-tenths miles less than the distance via the former U. S. Highway No. 395, and, in addition, the present route has many sharp curves and steep hills which are eliminated on the new highway. There were two protestants to this proposed abandonment. They have business places on or near the present route, and neither of them personally uses the existing service, but desired its continuance for the benefit of their patrons. There were no other protestants. The Commission is of the opinion, and finds, that this proposed rerouting is not opposed to the public interest, and, therefore, the authority requested will be granted.

In addition to the foregoing described changes, applicant requests an extension of its authority to permit it to transport passengers, baggage and express between the U. S. Naval Air Station, near Miramar Junction, and La Jolla Junction via an unnumbered highway. It is alleged that the route will afford a

(5) Exhibit No. 3.

direct short cut for operations between the military camps located on or adjacent to U. S. Highway No. 395 and points on U. S. Highway No. 101 and Alternate U. S. Highway No. 101, with particular reference to Long Beach and Los Angeles. There was no opposition to this request. The Commission is of the opinion, and finds, that public need and convenience require that this request be granted.

Applicant has referred the Commission to Decision No. 37505, supra, which authorizes applicant to perform a service as a passenger stage corporation for the transportation of passengers, baggage and express between San Diego and Camp Miramar. It alleges that Camp Miramar is now known as U. S. Naval Auxiliary Air Station, and is not located on U. S. Highway No. 395, and requests that Decision No. 37505 be amended to show that applicant may operate over an unnumbered highway between Miramar Junction and the air station, formerly Camp Miramar. This correction will be made as requested.

Applicant proposes to transport passengers, baggage and express not exceeding 100 pounds per shipment over all routes and to all points to which service is authorized. No change in fares is to be made other than cancellation of fares to points to which discontinuance of service may be authorized, and no changes in frequency of operation are contemplated. Its present equipment will be utilized.

Pacific Greyhound Lines is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value

in rate-fixing, for any amount of money in excess of that originally paid to the state as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state, which is not, in any respect, limited to the number of rights which may be given.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter having been submitted and the Commission being fully advised,

IT IS HEREBY ORDERED:

(1) That the route description of the San Bernardino to San Diego line of M. C. Yahne, Inc., doing business as Inland Stages, as set forth in the paragraph "Regular Route 12" of the order of Decision No. 39633, which authority was acquired by applicant by Decision No. 41082, dated December 29, 1947, on Application No. 28968, be, and it hereby is, amended to read as follows:

Regular Route 12:

Between San Bernardino and San Diego via U. S. Highway No. 395 through Colton, Riverside, Perris, Elsinore, Murrieta, Murrieta Hot Springs Junction, Temecula, North Rainbow Junction, South Rainbow Junction, Fallbrook Junction, Escondido, Lake Hodges, Miramar, North Camp Elliott Junction, South Camp Elliott Junction to Linda Vista Junction. Thence via Linda Vista Road through Linda Vista and Old Town to San Diego.

Also, between Fallbrook Junction and Escondido through Fallbrook, Bonsall, Vista and San Marcos via former U. S. Highway No. 395.

(2) That the applicant be, and it hereby is, authorized to abandon and discontinue its passenger stage service between the following points and via the following routes:

- (a) Between North Rainbow Junction and South Rainbow Junction through Rainbow via former U. S. Highway No. 395.
- (b) Between Lake Hodges and Miramar through Poway Corners via former U. S. Highway No. 395.

(3) That said applicant be, and it hereby is, authorized to cancel all fares, rules, regulations, and schedules applying to said service so authorized to be abandoned.

(4) That the operating rights conferred under authority of the certificate of public convenience and necessity granted to M. C. Yahne, Inc., doing business as Inland Stages, in the order in said Decision No. 39633, and acquired by applicant by the order of Decision No. 41082, over and along the routes and between the points described in ordering paragraph (2) herein, be, and the same operating rights hereby are, revoked and rescinded.

(5) That the operating rights conferred under authority of paragraph 76 of the order of Decision No. 23244, dated December 31, 1930, on Application No. 16989 (35 C.R.C. 667 at 679), between Riverside and San Diego, be, and the same hereby are, revoked and rescinded.

(6) That, at least five (5) days prior to the establishment of the changes in service herein authorized, applicant shall post plainly visible notices of the route changes at its terminals and in all of its buses along the routes involved.

IT IS FURTHER ORDERED:

(7) That a certificate of public convenience and necessity

be, and it hereby is, granted to Pacific Greyhound Lines, a corporation, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers, baggage and express not exceeding 100 pounds in weight per shipment, to be transported in passenger vehicles only, between La Jolla Junction and U. S. Naval Auxiliary Air Station, and intermediate points, as an extension and enlargement of, and to be consolidated with, its present operative rights.

(8) That, in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 79 and Part 19 of General Order No. 98, by filing in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Pacific Greyhound Lines shall conduct said passenger stage operation over and along the following-described route:

Between U. S. Naval Auxiliary Air Station over unnumbered highway to its intersection with U. S. Highway 101 at La Jolla Junction.

Applicant is authorized to turn its motor vehicles at termini and intermediate points in either direction, at intersections of streets, or by operating around a block contiguous

to such intersections, or in accordance with local traffic rules.

IT IS FURTHER ORDERED:

(9) That service regulation No. 3 of the order of Decision No. 36493, dated July 20, 1943, on Application No. 25683, as amended by Decision No. 36660, dated October 19, 1943, on Application No. 25683, 1st Supplemental, as amended by Decision No. 37505, dated November 28, 1944, on Application No. 25683, 2d Supplemental, as amended by Decision No. 45451, dated March 13, 1951, on Application No. 32082, is amended to read as follows:

"(3) Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct said passenger stage service over and along the following route:

"Between the applicant's military station on First Avenue between Broadway and 'C' Street, in San Diego, and U. S. Naval Auxiliary Air Station:

"Outbound: Via Front Street to 'C' Street to Kettner Boulevard;

"Inbound: Kettner Boulevard to 'C' Street to First Avenue to applicant's military station;

"Thence via Kettner Boulevard, La Jolla Avenue, San Diego Avenue, Taylor Street to Old Town Junction (intersection of Taylor Street and Camino Del Rio); thence via the new Linda Vista Road and U. S. Highway No. 395 to South Camp Elliott Junction; thence via former U. S. Highway No. 395 through Camp Elliott to North Camp Elliott Junction; thence via U. S. Highway No. 395 to Miramar Junction; thence via unnumbered highway to U. S. Naval Auxiliary Air Station.

"Also: From the point where relocated U. S. Highway No. 395 intersects the highway formerly known as Linda Vista Road, over relocated U. S. Highway No. 395 (also known as Cabrillo Freeway) to San Diego."

(10) That said Decision No. 36493, as amended by Decision No. 36660, Decision No. 37505, and Decision No. 45451, shall, in all other respects, remain in full force and effect.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 24th day of August, 1951.

[Signature]
Justin F. Casser
Harold P. Huls
[Signature]
John E. McNeill
COMMISSIONERS