

ORIGINAL

Decision No. 51481

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GREYHOUND LINES)	
for authority to transfer to ORANGE BELT)	
STAGES passenger stage operating rights)	
between Fresno and Coalinga, and between)	Application No. 36558
Famoso and Paso Robles, and for related)	
incidental authority.)	

O P I N I O N

(1)

Among the routes over which Pacific Greyhound Lines holds a certificate in the San Joaquin Valley authorizing passenger stage service is one between Elmwood and Paso Robles via Kettleman Hills and Cottonwood Pass Junction (Route No. 13.03); one between Fresno and Coalinga via Riverdale (Route No. 13.02) and a third between Famoso and Paso Robles via Wasco, Lost Hills and Cottonwood Pass Junction (Route No. 13.06). Greyhound Lines proposes to abandon the Elmwood-Paso Robles Route No. 13.03 and to transfer to Orange Belt, a partnership, the operative rights over the other two separate routes.

In support of its request to abandon service between Elmwood and Paso Robles via Cottonwood Pass (Route No. 13.03), Greyhound Lines states that service over this route was designed to be operated on-call on weekends for the accommodation of trainees at military camps near Paso Robles who desired to make weekend trips to Fresno. Applicant Greyhound Lines states that these camps long ago were inactivated and there has been no demand

(1) The Pacific Greyhound Lines and Thoburn S. Haworth, Bryan W. Haworth, Ruth E. Haworth and Margaret Haworth partners, doing business as Orange Belt Stages will be referred to as Greyhound Lines and Orange Belt respectively.

for its service. No local service at intermediate points is authorized. After full consideration we find that public convenience and necessity no longer require passenger stage service between Elmwood and Paso Robles over Route No. 13.03. ✓
The abandonment sought will be authorized.

The Commission is asked also to authorize Greyhound Lines to transfer and Orange Belt to acquire, the passenger stage operative right to transport passengers, baggage and shipments of express weighing 100 pounds or less between Fresno and Coalinga and intermediate points via Riverdale (Route 13.02). The right would be transferred pursuant to the terms set forth in a contract, a copy of which is attached to the application as Exhibit B-1. As justification therefor the application states that Greyhound Lines has been operating one round-trip daily except Sundays over this route as a branch-line operation; that Orange Belt for many years has conducted passenger stage operations between Visalia and King City via Coalinga and possesses equipment and personnel to continue the same service at the same rates as that provided by Greyhound Lines. Joint tariff arrangements would be established and maintained by the two carriers. Orange Belt asserts that it has surveyed this operation and is of the opinion that it can conduct the service without appreciable increase of its overhead costs.

It is further requested that Greyhound Lines be authorized to transfer and Orange Belt to acquire the passenger stage operative right to transport passengers, baggage and shipments of express weighing 100 pounds or less between Famoso and Paso Robles and intermediate points via Wasco, Lost Hills and Cottonwood Junction (Route No. 13.06). This operative right would be

transferred pursuant to the terms of a contract of which a copy is attached to the application as Exhibit B-2. This proposed transfer would involve no change in service, fares or rates or of the operator as Orange Belt has been conducting the service over this route for a great many years under a lease whereby Greyhound Lines, through its predecessors in interest, has leased to Orange Belt, through its predecessors in interest, the passenger stage operative right between Bakersfield and Paso Robles via Famoso. ⁽²⁾ The lease is at the nominal rental of \$1.00 per annum. Upon the consummation of the transactions proposed the lease would be canceled.

The transfers of operative rights as proposed would be in consideration of the mutual covenants of the parties. No physical properties are involved.

As an incident to the acquisition of the Famoso-Paso Robles operative rights (Route No. 13.06) Orange Belt requests a certificate between Famoso and Bakersfield over U. S. Highway No. 99, with a local restriction in order that through service currently conducted by it between Bakersfield and Paso Robles may continue without interruption. Such certification would not add a new

(2) The leased operative right covered the entire route between Bakersfield and Paso Robles via Famoso as originally acquired by Pickwick Stages System from Charles A. Hare (Appl. No. 9795, Decision No. 13281, dated March 19, 1924, and Decision No. 17428, dated October 5, 1926). Thereafter Pickwick Stages System was authorized to lease said operative right to Kern County Transportation Corporation. (Decision No. 18092, March 21, 1927, Appl. No. 13582). The latter corporation was authorized to assign said lease of operative rights to C. C. Haworth a predecessor in interest of Orange Belt (Decision No. 22150, February 24, 1930, Appl. No. 13582). Pacific Greyhound Lines, Inc., a predecessor of Pacific Greyhound Lines acquired the operative right, subject to the lease arrangement, under authority of Decision No. 22469, May 23, 1930, in Appl. No. 16490. See also Decision No. 23244, Appl. No. 16989, Decision No. 29403, Appl. No. 20925 and Decision No. 47907, Appl. No. 31883 through all of which the lease arrangement is continued to date having finally devolved into Decision No. 47907 where it now reposes.

service.

The two contracts hereinabove referred to (Exhibits Nos. B-1 and B-2) among other things provide that upon consummation of the proposed transfers an agreement will be entered into between Greyhound Lines and Orange Belt whereby the latter will be permitted to use the terminal facilities owned by the former at Fresno and at Bakersfield for a term of 10 years. These terminals would be used by Orange Belt as its principal point of arrival and departure of all transportation service rendered by it which enter or leave Fresno or Bakersfield. For the use of these facilities Orange-Belt would pay to Greyhound Lines a 10 per cent commission on all tickets sold by the latter at these terminals and a like commission on transportation charges for express received at or shipped therefrom. According to the contracts (Exhibits Nos. B-1 and B-2), as amended, ⁽³⁾ the contemplated agreement would not restrict or limit the authority of Orange Belt to sell its own tickets and collect other charges for service provided between any points it serves except within the bus terminals owned by Greyhound Lines at Fresno and at Bakersfield. Also the agreement would be subject to cancellation at any time upon thirty days' written notice by either party to the other party.

Orange Belt's balance sheet statement as of December 31, 1953, (Exhibit D) shows assets totaling \$59,914. They consist of current assets of \$38,272, principally accounts receivable amounting to \$35,244, operating property less depreciation, \$21,436 and deferred charges of \$206. Current liabilities amounted to \$18,121 of which \$13,091 were accounts payable. The partnership capital was \$41,793. Orange Belt's income statement for 1953 shows net operating income of \$16,312 and other income of \$1,360. The total

(3) The provisions of the contracts (Exhibits Nos. B-1 and B-2) in regard to the use of terminal facilities at Fresno and at Bakersfield, to the sale of tickets, collection of cash fares and charges and the cancellation of the contemplated agreement represent amendments of the contracts as required by the Interstate Commerce Commission.

net income after interest amounted to \$17,478.

Orange Belt conducts passenger stage service over a combination of routes extending northerly from Dolano on U. S. Highway 99 to Visalia and Woodlake via Porterville and Exeter. Another route extends from Exeter to King City via Visalia, Hanford, Coalinga and San Lucas. The latter point and King City are located on U. S. Highway 101. A passenger stage service is also conducted between Bakersfield and Wasco via Rosedale and Shafter as well as via Lerdo and Shafter. Lastly, and over a route having no connecting point with any of the foregoing described operations, except the one between Bakersfield and Wasco, Orange Belt provides service between Bakersfield and Paso Robles via Famoso and Wasco under the lease arrangement discussed above. All intermediate points are served except along U. S. Highway 99 between Bakersfield and Famoso. All of the foregoing described rights are owned by Orange Belt except the leased right between Bakersfield and Paso Robles. The routes of applicants are complementary, connecting at Bakersfield, Dolano, Coalinga, King City and San Lucas. Authorization of the proposals of applicants would eliminate Coalinga and add Paso Robles and Fresno as connecting points.

The operative rights of Orange Belt have developed from numerous decisions of the Commission which in some instances have a rather complex and uncertain historical background. They should be clarified and brought up to date in modern form. As certification is required between Bakersfield and Famoso in order to consummate the transfers proposed by applicants, we find that public convenience and necessity require that such certification should be authorized but encompassed in a new certificate issued to Orange Belt which would supersede all its present operative rights in the area involved

and those which it may acquire as proposed and hereinafter authorized. If the routings described in the following order are not suitably arranged Orange Belt should promptly petition the Commission for appropriate changes.

After full consideration of this application it is our opinion that the proposed transactions will not be adverse to the public interest. The action taken herein shall not be construed to be a finding of the value of the rights herein authorized to be transferred. No protest to the application has been received and a public hearing does not appear to be necessary.

O R D E R

The Commission having considered the above-entitled matter and based upon the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED:

(1) That Pacific Greyhound Lines is hereby authorized to discontinue passenger stage operations between Elmwood and Paso Robles and the operative right therefor as created by Decision No. 47907 in Application No. 31883 and more particularly described in Route No. 13.03 at First Revised Page 37 of Appendix A of said Decision No. 47907 is hereby revoked.

(2) That Pacific Greyhound Lines may transfer to the partnership Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth and Margaret Haworth and the latter may acquire from the former the passenger stage operative rights created by Decision No. 47907 in Application No. 31883 authorizing service between Fresno and Coalinga and intermediate points and also between Famoso and Paso Robles and intermediate points as more particularly described in Route No. 13.02 and Route No. 13.06 both appearing at First Revised

Page 37 of said Decision No. 47907.

(3) That a certificate of public convenience and necessity is hereby granted to Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth and Margaret Haworth, partners, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and shipments of express weighing 100 pounds or less on passenger carrying vehicles only,

(A) Between Fresno, Coalinga and King City and intermediate points over the following route:

From Fresno, over California Highway 41 to Junction Mountain View Avenue (Elmwood), thence over Mountain View Avenue to Carruthers, thence over Marks Avenue to junction Mt. Whitney Avenue, thence over Mt. Whitney Avenue via Rivordale to junction Fresno-Coalinga Road, thence over Fresno-Coalinga Road to junction California Highway 33, thence over California Highway 33 to junction California Highway 198, thence over California Highway 198 to Coalinga, thence over California Highway 198 to its junction with U. S. Highway 101, thence over U. S. Highway 101 to King City, subject to the following restrictions:

No passengers, baggage or express may be transported having both origin and destination at any point along U. S. Highway 101 from San Lucas to King City, both points inclusive.

No passengers, baggage or express may be transported having both origin and destination at any point along California Highway 198 from Coalinga to a point where Priest Valley Road intersects California Highway 198, both points inclusive.

(B) Between Exeter, Hanford and Coalinga and intermediate points via Farmersville, Visalia, Visalia Airport, Goshon Junction, Linnell Farm Labor Center, Lemoore and Huron over the following routes:

Over county highways from Exeter to Farmersville and Visalia thence over California Highway 198 through Hanford and Lemoore to junction with the Huron Road, thence via Huron Road and East-West Highway to Coalinga.

Between the intersection of California Highway 198 and County Road 20N and the intersection of County Roads 37E and 21N along County Road 20N and County Road 37E.

Beginning at the junction of California Highway 198 and 14th Avenue West, Tulare County thence via said county highway for a distance of approximately one mile to its junction with U. S. Highway 99 at the point known as Goshen Junction, thence via U. S. Highway 99 for approximately one and one-half miles to the junction point of U. S. Highway 99 and State Highway 198 at the point designated as Visalia Airport; and thence along State Highway 198, serving all intermediate points, provided, however, that no local service shall be rendered along U. S. Highway 99 for passengers whose points of origin and destination are both located on said U. S. Highway 99.

(C) Between Visalia and Woodlake and intermediate points along the main highway between Visalia and Woodlake.

(D) Between Exeter and Delano and intermediate points via Lindsay, Strathmore, Porterville, Terra Bella, Ducor and Richgrove over the following route:

Over direct county highways and California Highway 65 between Exeter and Delano.

(4) Passenger stage service provided under the certificate granted in paragraph (3) hereof shall be conducted as a single consolidated and unified operation.

(5) That a certificate of public convenience and necessity is hereby granted to Thoburn S. Haworth, Bryan W. Haworth, Ruth E. Haworth and Margaret Haworth, partners, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and shipments of express weighing 100 pounds or less on passenger-carrying vehicles only, between Bakersfield and Paso Robles and intermediate points via Lerdo, Famoso and Wasco, between Bakersfield and Wasco and intermediate points, via Rosedale, Shafter and Palmo and also via Lerdo provided that no service shall

be rendered along U. S. Highway 99 between Bakersfield and Famoso for traffic having both origin and destination along said highway between Bakersfield and Famoso.

Operations between the foregoing points shall be over the following routes:

From Bakersfield over U. S. Highway 99 to Famoso. Thence over U. S. Highway 466 to Cottonwood Pass Junction. Thence over California Highway 41 to Paso Robles.

From Bakersfield to Wasco via Lerdo or via Shafter over unnumbered county roads and U. S. Highway 99.

(6) Passenger stage service provided under the certificate granted in paragraph (5) hereof shall be conducted as a single consolidated and unified operation.

(7) Within thirty days after the consummation of the transfer herein authorized the purchasers shall notify the Commission in writing of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instruments of transfer which may have been executed to effect such transfer.

(8) On not less than five days' notice to the Commission and to the public, applicants shall supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Pacific Greyhound Lines has withdrawn or canceled and that Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth and Margaret Haworth, partners, have adopted or established as their own, said rates, rules and regulations. The tariff filings made pursuant hereto shall comply in all respects with the Commission's General Orders Nos. 79 and 80.

(9) That in providing service pursuant to the authorities herein granted Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth and Margaret Haworth, partners, shall comply with and observe the

following service regulations:

- (a) Within thirty days after the effective date hereof said Haworths shall file a written acceptance of the certificates granted herein.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and to the public, said Haworths shall establish the services herein authorized and file in triplicate, and concurrently make effective, appropriate tariffs and timetables satisfactory to the Commission.

(10) That the certificates granted in paragraphs (3) and (5) of this order shall become effective upon the execution of the agreement of transfer of the operative rights as authorized in paragraph (2) of this order. Concurrently therewith the operative rights or privileges created by the following decisions shall stand revoked and annulled:

<u>Decision Numbers</u>	<u>Application Numbers</u>	<u>Decision Numbers</u>	<u>Application Numbers</u>
18092	13582	32428	23008
22150	"	35446	24771
26662	19233	35457	24891
27442	19518	37522	26392
27480	19233	41758	29410
31210	21537	46989	33231
32221	22876	49466	34912

(11) That Appendix A of Decision No. 47907 in Application No. 31883 is hereby amended by incorporating therein Second Revised Page 37 and First Revised Page 39-A attached hereto as Appendix A.

The authorizations herein granted will expire ninety days after the effective date hereof if not previously exercised.

This order will become effective twenty days after the date hereof.

Dated at Los Angeles, California, this 16th day of May, 1955.

[Signature]
 President
[Signature]
[Signature]
[Signature]
 Commissioners

ROUTE GROUP 13

13.01 - Between Fresno and Los Angeles:

From Fresno, over U. S. Highway 99 to junction Business Route U. S. Highway 99 (South Tagus), thence over Business Route U. S. Highway 99 to junction U. S. Highway 99 (Tulare Airport), thence over U. S. Highway 99 to Los Angeles.

*13.02 - Intentionally left blank.

*13.03 - Intentionally left blank.

13.04 - Between Selma and Tulare:

From Selma, over unnumbered highway via Parlier, Reedley, Dinuba, Orosi and Visalia to Tulare.

13.05 - Between Visalia and Visalia Airport:

From Visalia, over California Highway 198 to junction U. S. Highway 99 (Visalia Airport).

*13.06 - Intentionally left blank.

13.07 - Between Newhall Ranch and junction U. S. Highways 6 and 99:

From Newhall Ranch, over U. S. Highway 99 to junction unnumbered highway (formerly U. S. Highway 99), thence over unnumbered highway via Saugus and Newhall to junction U. S. Highway 6 (South Saugus Road Junction), thence over U. S. Highway 6 to junction U. S. Highway 99.

Issued by Public Utilities Commission of the State of California.

*Changed by Decision No. 51481, Application No. 36558.

Correction No. 91.

SPECIAL RESTRICTIONS

*S-13.01 - Intentionally left blank.

S-13.02 - Summer-season service only is authorized between North June Lake Junction and South June Lake Junction via June Lake (Route 13.13).

Issued by Public Utilities Commission of the State of California

*Changed by Decision No. 51481, Application No. 36558.

Correction No. 92.