

Decision No. 52236

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 HERMAN H. NEUMANN, doing business as )  
 El Cajon Valley Line, to receive )  
 certificates of public convenience )  
 and necessity to correct improper )  
 operations of the El Cajon Valley )  
 Line. )

Application No. 37279

Herman H. Neumann, for self.  
Frank H. Whelan, for San Diego Transit System,  
 interested party.  
Fred G. Ballenger, Associate Transportation  
 Engineer, for the Public Utilities  
 Commission of the State of California.

O P I N I O N

Herman H. Neumann, an individual, doing business as El Cajon Valley Line, operates a passenger stage service for the transportation of persons and their baggage or express in the City of El Cajon and vicinity and, generally, between El Cajon and Santee, Lakeside, Bostonia, Suncrest, and San Diego, as more specifically set forth in decisions heretofore granted by this Commission.<sup>1</sup>

By this application authority is sought to make minor revisions of routes and to abandon Route No. 4 now operated between downtown El Cajon and the intersection of Cuyamaca Street and Broadway.

A public hearing was held in El Cajon before Examiner Mark V. Chiesa on October 13, 1955. Notice of the hearing was

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<sup>1</sup> See Decisions Nos. 38917, 40132, 40378, 40533, 41433, 43593, 45599 and 50997.

published for three days in a local newspaper, and notices were posted in all buses for at least ten days prior to date of hearing. No one appeared in protest to the application.

The evidence of record shows that applicant acquired his "passenger stage" business from A. L. Willingham in May of this year (Decision No. 51486), and that he has continued to operate the service in the same manner and along the same routes as did his predecessor, being the routes herein proposed, although not as described in the Commission's prior orders. The deviations are minor and have not resulted in public inconvenience or protests. We find that the proposed route changes are in the public interest.

Concerning the abandonment of Route No. 4, applicant testified that due to lack of patronage he has been compelled to reduce service to three round trips per day, and that the average daily revenue on this line is only 36 cents. Total revenue for the month of September, 1955, was \$9.05, and expenses (wages, gas and oil only) were \$101. Obviously there is not sufficient public need for the continuance of this line, and we so find.

The record also shows that applicant's predecessor had discontinued that portion of the San Diego-Suncrest "on-call" service (Decision No. 45599), easterly of the intersection of U. S. Highway 80 and Broadway, and that no service is now being rendered to or from Suncrest. This was a special service for persons employed in San Diego. One round trip daily was to have been operated on demand of at least twenty passengers (Decision No. 45599). The Commission finds that public convenience and necessity do not require the continuation of the passenger stage service between the intersection of U. S. Highway 80 and Broadway and the community of Suncrest.

Applicant is now operating a regular passenger service between El Cajon and Edgemore Farm, Santee, Lakeside and Bostonia (Routes Nos. 1, 2 and 3), Route No. 4 as above set forth, and an "on-call" service between El Cajon and Gillespie Field, El Monte Park and San Diego (Routes Nos. 6, 7 and 8). There is no Route No. 5. The "on-call" service will be provided only for a minimum of twenty passengers, except that the Gillespie Field service, during summer school vacation, will be on a regular basis (at least Tuesday through Friday of each week) with no minimum passenger requirement.

The Commission, having fully considered the evidence of record, is of the opinion and finds that public convenience and necessity require that this application be granted. For the purpose of clarification, applicant will be granted a new certificate in place and in stead of the operating authority heretofore granted to him or any of his predecessors.

Herman H. Neumann 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 as to the number of rights which may be given.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Herman H. Neumann, authorizing him to establish and operate as a "passenger stage corporation", as that term is defined in Section 226 of the Public Utilities Code, for the transportation of persons and their baggage or express between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed upon notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98, may result in a cancellation of the operating authority granted by this decision.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.

(3) That the operating authority heretofore granted to applicant or to any of his predecessors by Decisions Nos. 38917, 40132, 40378, 40533, 411433, 43593, 45599 and 50997, be, and it hereby is, revoked.

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

Dated at Los Angeles, California, this 14<sup>th</sup> day of November, 1955.

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

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Herman H. Neumann, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport persons and their baggage or express (1) between the City of El Cajon, on the one hand, and Santee, Edgemore Farm, Lakeside and Bostonia, on the other hand, and intermediate points, and (2) an "on-call" service between the City of El Cajon, on the one hand, and El Monte Park, Gillespie Field and San Diego, on the other hand, and intermediate points, subject to the following conditions and restrictions:

- (a) The service between the City of El Cajon, on the one hand, El Monte Park, Gillespie Field and San Diego, on the other hand, shall be operated "on call" and shall be made only upon demand of a minimum of twenty passengers, except that the service between El Cajon and Gillespie Field shall be operated as a regular service, at least on Tuesday through Friday of each week, during the summer school vacation, without a minimum requirement as to the number of passengers.
- (b) No passengers shall be transported on any lines whose origin and destination are along Main Street, between Anza Street and Johnson Avenue, in the City of El Cajon, or whose origin and destination are west of the intersection of Alvarado Freeway and 70th Street in the City of San Diego.
- (c) No passengers shall be picked up or discharged along Main Street, between Johnson Avenue and Anza Street, whose destination or origin is San Diego.

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- (d) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

Subject to the authority of this Commission to change or modify such at any time, Herman H. Neumann shall conduct said passenger stage operations over and along the following described routes:

Route 1 - El Cajon-Santee-Edgemore Farm:

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Magnolia Avenue to Edgemore Farm.

Route 2 - El Cajon-Bostonia-Lakeside:

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Magnolia Avenue, Broadway, 2nd Street, Canyon Avenue, Woodside Avenue, Maine Avenue, Laurel Street, Vine Street, Sycamore Avenue, to its intersection with Maine Avenue.

Route 3 - El Cajon-Bostonia:

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Main Street, U. S. Highway 80, Broadway, 2nd Street, U. S. Highway 80, 2nd Street, Washington Avenue, Avocado Boulevard, Chase Avenue, Magnolia Avenue to Main Street, the point of beginning.

Route 6 - El Cajon-Gillespie Field:

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Magnolia Avenue, Broadway, Cuyamaca Street, to Gillespie Field.

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Route 7 - El Cajon-Santee-Lakeside-El Monte Park:

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Magnolia Avenue, Woodside Avenue, Maine Avenue, Sycamore Avenue, Park Boulevard, Elm Street, to El Monte Park.

Route 8 - Bostonia-San Diego:

Beginning at the intersection of Broadway and 2nd Street, thence along Broadway, U. S. Highway 80, Main Street, Cuyamaca Street, Broadway, Lake Murray Boulevard, Alvarado Freeway, Camino del Rio, U. S. Highway 101, Broadway (in the City of San Diego), Harbor Drive, to Market Street.

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.