

ORIGINALDecision No. 56753

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DON DIEGO CHARTER BUS, INC.,
 a California corporation, for a certificate
 of public convenience and necessity to
 operate passenger stage service between
 San Diego and the Los Angeles Coliseum;
 and to establish fares. } Application No. 39860

Gostin, Katz & Porter, by Irwin Gostin, for applicant.
John D. Maatta for Western Greyhound Lines; Glanz &
 Russell, by Arthur H. Glanz, for Transcontinental
 Bus System, Inc.; Luce, Forward, Kunzell &
 Scripps and Robert Walker, by Roger S. Ruffin,
 for The Atchison, Topeka and Santa Fe Railway
 Company, protestants.
W. F. Hibbard for the Commission's staff.

O P I N I O N

By this application Don Diego Charter Bus, Inc., a California corporation, requests authority to establish and operate a passenger stage service between the City of San Diego and the Los Angeles Coliseum, on an "on-call" basis for a minimum of eight adult round-trip fares, and only on days when the Los Angeles Dodgers are playing in said Coliseum.

A public hearing was held in San Diego before Examiner Mark V. Chiesa, and evidence, oral and documentary, having been adduced, the matter was submitted for decision.

The evidence shows that applicant's principal place of business and the location of the terminal from which the proposed service to Los Angeles would commence is at 6875 El Cajon Boulevard within and near the eastern limits of the City of San Diego. Said

terminal point is approximately ten miles northeasterly from downtown San Diego and two miles west of the La Mesa business district.

Applicant has available eight 37-passenger buses used from time to time in the operation of charter services. Applicant proposes an adult round-trip fare of \$5.36, and a children's round-trip fare of \$2.68 plus Federal transportation tax. It would advertise and solicit business principally from the area surrounding the City of La Mesa which area, consisting generally of the communities of Lemon Grove and Spring Valley and the contiguous portion of the City of San Diego, has a population of approximately 100,000.

It was testified that because La Mesa has been having winning youth baseball teams in national baseball tournaments, interest in the coming big league games at Los Angeles is unusually high in the La Mesa area.

The Superintendent of the Recreational Parks Department of the City of La Mesa, the Manager of the La Mesa Chamber of Commerce and the President of the Little League testified generally that there is an unusual interest in organized baseball among adults and children alike; that many inquiries have been received indicating an interest in transportation to the Dodger games; and that a service such as is proposed would be desirable and a convenience to the people of the area. Five additional witnesses, by stipulation, substantiated testimony that there is a need for applicant's service.

Although applicant offered evidence (Exhibit No. 1) that its cost per bus mile would be 14 cents, it was apparent from testimony of applicant's operating witness, on cross-examination, that the actual out-of-pocket cost per bus mile would be substantially higher. At a recent hearing, on Application No. 39574

to establish a similar service, applicant's estimated cost per bus mile was estimated at approximately 25 cents which, in the opinion of the Commission, is more realistic in operations of this character. Considering the estimated round-trip mileage of 270 miles, it would require approximately thirteen adult round-trip fares to meet out-of-pocket costs.

Western Greyhound Lines, protestant, opposed the granting of the application on the ground that it is now authorized to conduct, among other services between San Diego and Los Angeles, a "special service" between the City of San Diego and the Los Angeles Coliseum which would be available whenever a minimum of thirty-two adult passengers request the transportation. Protestant's main terminal is in downtown San Diego, and it appears from the evidence that under ordinary circumstances passengers would be required to go to said terminal to board the bus. From applicant's proposed place of business this would require an additional trip of approximately ten miles in each direction.

Protestant Transcontinental Bus System, Inc., also operates a regular scheduled service between San Diego and Los Angeles. Its objection is, generally, the same as that of Western Greyhound Lines. Its plans to establish and operate a direct San Diego to Los Angeles Coliseum round-trip service were indefinite as of the time of the hearing. It too would operate from its downtown San Diego terminal, but for a minimum of twenty adult round-trip fares.

Protestant The Atchison, Topeka and Santa Fe Railway Company operates a passenger train service between San Diego and Los Angeles. It offered no evidence.

The Commission having considered the matter, is of the opinion and finds that public convenience and necessity require the establishment and operation of a direct bus service between the La Mesa area, as hereinafter described, and the Los Angeles Coliseum, said service to be operated for a minimum load of at least thirteen adult passengers and subject also to the conditions and restrictions set forth in Appendix A. The application will be granted in part and denied in part.

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 be and it hereby is granted to Don Diego Charter Bus, Inc., a California corporation, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of persons between the points and places, and along the routes as more specifically described 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 on notice that it will be required, among other things, to file annual reports of its 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 on 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, amendments to its tariffs and timetables satisfactory to the Commission to reflect the authority herein granted.

(3) That except as herein authorized, Application No. 39860 be and it hereby is denied.

The effective date of this order shall be ten days after the date hereof.

Dated at San Francisco, California, this 27th day of May, 1958.

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

Commissioner C. Lynn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

Don Diego Charter Bus, Inc. Original Page 1
(a corporation)

Don Diego Charter Bus, Inc., by certificate of public convenience and necessity granted in the decision noted in the margin is authorized to transport persons between the La Mesa Territory, as hereinafter described, on the one hand, and the Los Angeles Coliseum, on the other hand, subject to the following conditions and restrictions:

- (a) The transportation service herein authorized shall be rendered only on a round-trip basis and no passenger shall be picked up or discharged at points or places intermediate of the described territory and the Coliseum.
- (b) Applicant shall pick up and discharge passengers only at 6875 El Cajon Boulevard in the City of San Diego or at such other points and places to be named in applicant's tariff, and situated within the La Mesa Territory hereinbelow described.
- (c) Applicant shall operate the service hereinabove authorized only when the Los Angeles Dodgers baseball team is playing in the Coliseum and for a minimum of thirteen adult round-trip fares or an equivalent total fare if children's fares are included.
- (d) Subject to the authority of this Commission to change or modify said passenger stage operation at any time, applicant shall conduct said operation over and along the following route or routes:

Beginning at any point as designated in applicant's tariff as hereinabove set forth, thence along the most appropriate and direct route to U. S. Highway 80 (Fletcher Parkway), thence along said Highway 80 to U. S. Highway 101, thence along U. S. Highway 101 to Los Angeles, thence along the most appropriate direct street or streets to the Los Angeles Coliseum, subject, however, to local traffic rules.

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Appendix A

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(a corporation)

- (e) The La Mesa Territory hereinabove mentioned, and within which applicant is authorized to name pick up and discharge points, is described as follows:

La Mesa Territory

The La Mesa Territory is that area which is bounded on the west by College Avenue, on the east by Bancroft Drive and the Freeway, on the north by El Cajon Boulevard, and on the south by State Highway No. 94.

End of Appendix A

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