

Decision No. 59369

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MANUEL MARTINEZ for certificate of  
public convenience and necessity to  
operate passenger service between  
Chino and Pomona.

)  
} Application No. 41560  
)

O P I N I O N

Manuel Martinez, an individual, seeks authority to establish a passenger stage service between Pomona, Chino, the California Institute for Men, and the California Institute for Women. Applicant has not heretofore operated as a "passenger stage corporation", but is now engaged in the taxicab business in the City of Chino and vicinity. He is a property owner in said city.

Financial statements filed with the application show a net tangible worth of \$62,210.69.

Applicant proposes to commence operations with two 27-passenger Ford Transit buses and will add one new 24-passenger Chevrolet bus. Eight round trips are proposed on weekdays, five round trips on Saturdays, and four round trips on Sundays, with service being operated to the California Institute for Men only on Saturdays and Sundays. Service to the California Institute for Women would be operated only on the third Sunday of each month.

Four zones will be established as follows:

- Zone 1: Between First Street at Garey Avenue, in Pomona, and Philadelphia Avenue and Pipe Line Avenue.
- Zone 2: Between Philadelphia Avenue and Pipe Line Avenue and 5197 "D" Street, in Chino.
- Zone 3: Between 5197 "D" Street, in Chino, and California Institute for Men.
- Zone 4: Between California Institute for Men and California Institute for Women.

The following fares will be charged:

		Between Zone			
		1	2	3	4
Miles	and Zone				
5.1	1	25	30	50	60
8.8	2		*50	*75	*110
11.4	3		25	35	50
				25	40
17.1	4			*45	*75
					25

\* Round-trip fare

A report by a member of the Commission's staff indicated an expense of approximately 31 cents per mile. Although it is doubtful that this operation would be compensatory from its inception applicant believes that he can develop a business which would justify its continuation in view of the proposed fares and constant increase in population in the area served. The application is not opposed and has the support of the local chamber of commerce and many residents in the area.

A former operator of a similar service in the same area recently was authorized to discontinue his operations due to the losses he was incurring. His finances were limited and fares were

lower than those herein proposed. It is believed that applicant is in a position to establish and maintain an adequate public transportation service, and, in view of his willingness and financial condition, it appears that it would be in the public interest to grant the application and, therefore, we find that public convenience and necessity require that said service be established as hereinafter set forth.

Manuel Martinez is hereby placed on 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, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled 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

Application having been made, 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 Manuel Martinez, an individual,

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.

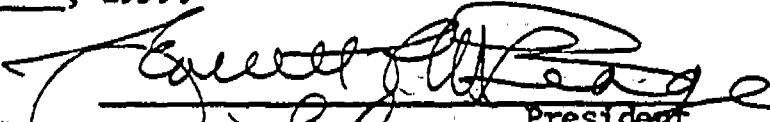
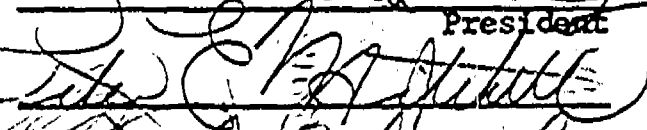
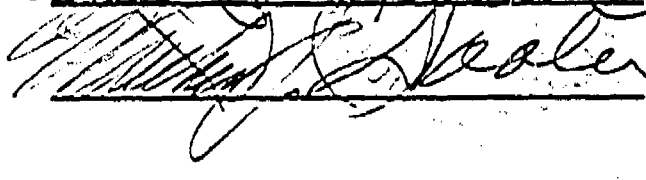
(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- 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 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 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, tariffs and timetables satisfactory to the Commission.

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

Dated at San Francisco, this 9th day of December, 1959.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Commissioners

Manuel Martinez, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to establish a passenger stage service for the transportation of persons only between Pomona, Chino, the California Institute for Men, and the California Institute for Women, and intermediate points along the following routes:

Route

Beginning at the intersection of First Street and Garey Avenue, in Pomona, thence via First Street, Locust Street, Fourth Street, Garey Avenue, Fifth Street, Kadota Avenue, Grant Avenue, East End Avenue, Francis Avenue, Pipe Line Avenue, Walnut Avenue, East End Avenue, Riverside Drive, Sixth Street, D Street (Chino), Central Avenue, to the California Institute for Men located at Merrill Avenue, thence via Central Avenue and Pine Avenue to California Institute for Women located at Chino-Corona Road.

Return via the reverse of the going route to the intersection of Central Avenue and Chino Avenue, thence via Chino Avenue, Sixth Street, D Street, Central Avenue, and Riverside Drive to Sixth Street, thence via the reverse of the going route to the intersection of Garey Avenue and Fourth Street, thence via Garey Avenue to First Street, the point of beginning.

Applicant is authorized to turn his 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.

Issued by California Public Utilities Commission.

Decision No. 59369, Application No. 41560.