

**ORIGINAL**Decision No. 59822

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(A) CONTINENTAL PACIFIC LINES, a corporation, to purchase, and of AMERICAN BUSLINES, INC., a corporation, to sell a certificate of public convenience and necessity (portion) authorizing the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds in passenger-carrying vehicles between Sacramento and Stockton, California, via Franklin, Thornton, and Five Mile House, pursuant to Sections 851-853 of the Public Utilities Code;

(B) AMERICAN BUSLINES, INC., a corporation, for authority to abandon portions of routes between Thornton, Lodi and Five Mile House; and

(C) CONTINENTAL PACIFIC LINES, a corporation, for a certificate of public convenience and necessity to operate as a passenger-stage corporation in the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds on passenger-carrying vehicles between Lodi and Sacramento, California, via U.S. Highway 99 serving no intermediate points, pursuant to Sections 1031-1033 of the Public Utilities Code.

Application No.  
41045

Glanz & Russell, by Theodore W. Russell, for applicants.  
George W. Ballard, for Brotherhood of Railroad Trainmen  
and Murray L. Barton, for Amalgamated Association of  
Street, Electric Railway and Motor Coach Employees,  
protestants.

O P I N I O N

American Buslines, Inc., and Continental Pacific Lines filed this application on April 16, 1959. A public hearing was held before Examiner John Power in San Francisco on November 19, 1959 and the matter was submitted.

American proposes to divest itself of its operating rights between Stockton and Sacramento. It proposes to transfer part of this operating authority to Pacific Lines and to abandon the rest. Pacific Lines seeks to acquire part of American's operating authority in this area and to get an extension of its own certificate from Sacramento to Lodi via U.S. Highway 99. American's authority includes the right to serve between Lodi and Stockton over U.S. 99. The desired end result is that Pacific Lines will be authorized to serve between Sacramento and Stockton, both via U.S. 99 and via Thornton and Franklin. Authority will be cancelled over a number of county roads between these two routes.

Though not an applicant, a third company is involved in these plans -- Transcontinental Bus System, Inc. This company generally serves from San Francisco and Stockton south to Los Angeles. Pacific Lines serves from San Francisco to the California-Oregon boundary line via Sacramento. American is primarily a portion of an east and west transcontinental operation, but it does possess the small segment between Sacramento and Stockton which is part of a service extending from Vancouver, British Columbia to Los Angeles.

These three companies are all affiliated. It is clear that the proposed transfer will facilitate operations over the coastwise route. They will also eliminate one company from the equipment pool settlements connected with this route. Both results are desirable.

The proposed abandonments will also produce desirable results. These services had become almost completely devoid of patronage prior to the recent work stoppage. They traverse country

roads which are not suitable for the operation of modern buses. The Commission is of the opinion that the application should be granted. We find that:

(1) The transfer proposed in the application will not be adverse to the public interest.

(2) Public convenience and necessity no longer require the services which American Buslines, Inc., is authorized by the following order to abandon.

(3) Public convenience and necessity require that a certificate be granted to Continental Pacific Lines as proposed in the application.

(4) The authorization herein granted shall not be construed as a finding of the value of the rights and equipment nor as a determination that the amounts referred to herein will be accepted as proper bases for an order authorizing the issue of securities or the fixing of rates.

The Commission is advised that the Interstate Commerce Commission has already granted similar authority as to interstate operations. It is desirable that the transaction should be completed quickly. Therefore, the following order will be made effective upon its date.

O R D E R

Public hearing having been held and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. On or before May 31, 1960, American Buslines, Inc., may sell and transfer, and Continental Pacific Lines may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Continental Pacific Lines 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 instrument of transfer which may be executed to effect said transfer.

3. On not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the operations here involved to show that American Buslines, Inc., has withdrawn or canceled, and Continental Pacific Lines has adopted or established as its own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 79.

4. Within sixty days from the effective date hereof and on not less than ten days' notice to the Commission and the public, and subject to the requirements of paragraph 5 hereof, American Buslines, Inc., may discontinue passenger stage service between:

(a) Thornton and Lodi via Woodbridge. (Route originally authorized in Decision No. 35292, Application No. 24889.)

(b) Lodi and junction of Thornton Road and Sacramento Road (Five Mile House). (Authority originally granted in Decision No. 35292, Application No. 24889.)

(c) Junction of Telegraph Road and Turner Road and junction of Telegraph Road and Thornton Road. (This route is a portion of route originally authorized by Decisions Nos. 15270 and 39128, in Applications Nos. 10734 and 27460, respectively.)

5. Effective concurrently with the abandonment of service authorized in paragraph 4 hereof and on not less than ten days' notice to the Commission and the public, American Buslines, Inc., shall cancel all tariffs and timetables applicable to such services.

6. The portions of operative rights described in paragraph No. 4 of this order are revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 5 hereof.

7. A certificate of public convenience and necessity is hereby granted to Continental Pacific Lines 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 passengers, baggage and shipments of express weighing 100 pounds or less on passenger-carrying vehicles:

- (a) Between Sacramento and Stockton via Franklin Boulevard, Thornton Road and Sacramento Road, serving all intermediate points;
- (b) Between Sacramento and Lodi via U.S. Highway 99, serving no intermediate points; and
- (c) Between Lodi and Stockton via U.S. Highway 99, serving all intermediate points.

The service authorized in subparagraphs (b) and (c) above is subject to the restriction that neither passengers, baggage or shipments of express shall be transported locally between Sacramento and Stockton nor between either of said cities and points intermediate thereto nor between said intermediate points. This restriction does not apply to traffic between points outside of this restricted area and points inside thereof.

8. In providing service pursuant to the certificate herein granted, Continental Pacific Lines shall comply with and observe the following service regulations:

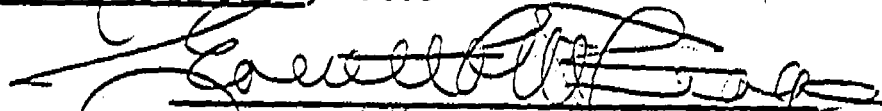
- (a) Within thirty days after the effective date hereof, Continental Pacific Lines shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, 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 ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs and timetables satisfactory to the Commission.


9. The operative rights acquired by Continental Pacific Lines from American Buslines, Inc., under authority of this order shall merge with the operative rights granted by paragraph No. 7 hereof, concurrently with the effective date of the filings required by paragraph No. 8(b) hereof.


10. Applicants are authorized to carry out the terms and conditions of the agreement annexed to the application herein as Exhibit E.

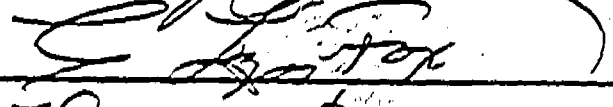
The effective date of this order shall be the date hereof.

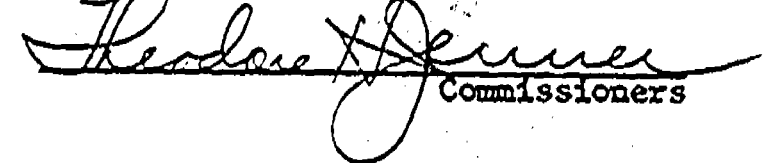
Dated at San Francisco, California, this 22<sup>nd</sup> day of March, 1960.

  
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President

  
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Commissioner

  
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