

60338

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN DIEGO ECONOMY LINE, INC., to re-
 vise routes and schedules in the El
 Cajon Area; to abandon certain segments
 by said rerouting; to abandon "on-call"
 routes; to extend the route presently
 authorized between San Diego and a ter-
 minal point at Challenge and Avocado
 to a terminal point in El Cajon; to
 establish a system of transfer; and to
 establish a half-fare for children in
 the tariff of Application No. 41-A, Cal.
 PUC No. 3; and to establish zone points.

Application
 No. 41839

Clayton W. Eslinger and Milton Hallen, President,
San Diego Traffic Service, and Irwin Gostin,
of Gostin & Katz, for applicant.
Lindley, Scales & Patton, by Leon W. Scales, for
San Diego Transit System, protestant.
Ray L. Stoyer, for Santee Chamber of Commerce;
Charles V. Ferree for El Cajon Chamber of
Commerce; S.F.E. Hershelman; Mrs. Margaret E.
Cederdahl; Mrs. Marie Krabill; Lester C.
Husbands; and Mrs. R. J. Violette; inter-
ested parties.
Fred G. Ballenger, for the Commission staff.

O P I N I O N

By the application herein, filed on January 6, 1960, and amended by amendments filed on January 7 and March 8, 1960, San Diego Economy Line, Inc. (applicant) seeks authority to modify its routes, to join its San Diego line and its El Cajon operations, and to establish fares.

Public hearings on the application were held before Examiner Kent C. Rogers in El Cajon on March 22, 1960, and in San Diego on April 15 and 25, 1960. Prior to the first day of hearing

applicant posted and published notice thereof as required by the Commission. San Diego Transit System (protestant) provides service between San Diego and El Cajon. It objected to any authority which would permit applicant to carry through passengers between El Cajon and San Diego.

Applicant's present operation is the result of the combination of two systems, San Diego Economy Line, Inc., and El Cajon Valley Line, the latter acquired by applicant by Decision No. 58965, dated September 1, 1959, in Application No. 41395. It is approximately three miles between the northeast end of the original route of the San Diego Economy Line, Inc., and the El Cajon Valley portion.

At present there is no connection between the San Diego service and the three existing El Cajon routes. Applicant proposes to extend a through service between San Diego and the Carlton Hills area northwest of El Cajon through El Cajon (Exhibit No. 10). There will be three additional routes in the El Cajon area known as applicant's El Cajon-Lakeside Route (Exhibit No. 16), its El Cajon-Ellen Lane Park Route, and its El Cajon-Olive Hills Route (Exhibit No. 18).

The proposed San Diego to Carlton Hills route is shown on Exhibit No. 10. The proposed routes in the vicinity of El Cajon are shown on Exhibit No. 15, together with the present routes in El Cajon.

Applicant proposes to provide service six days per week on each route, with no Sunday or holiday service.

Exhibit No. 20 shows the proposed schedule for service between the Carlton Hills area (northwest of El Cajon) through Santee, El Cajon, Homeland and Lemon Grove to San Diego. There will

be ten schedules each way daily, starting at 5:30 a.m. in Carlton Hills, with the last bus arriving in Carlton Hills at night at 6:45 p.m. On Saturdays there will be seven schedules in each direction. The running time will be approximately 65 minutes (Exhibit No. 20). The fares between Carlton Hills and San Diego would be 70 cents for adults and 35 cents for children; between San Diego and Magnolia Avenue and Main Street, the principal intersections in El Cajon (Exhibit No. 13), the proposed fares would be 50 cents for adults and 25 cents for children, and the scheduled running time would be 45 minutes.

Exhibit No. 21 shows the proposed schedules on the other routes in El Cajon, all of which will be given six-day service from approximately 5 a.m. to 6 p.m., with headways of approximately 90 minutes.

Exhibit No. 22 shows the zone boundaries for each of the routes.

Exhibit No. 24 shows the proposed transfer privileges between the routes and the terms thereof.

The proposed routing of the service from San Diego through El Cajon and Santee will result in the abandonment of service along Avocado Avenue between Campo Boulevard and Challenge Boulevard. A three-day passenger check made on April 11, 12 and 13, 1960, showed a total of seven passengers boarding or alighting along the portion of the route to be abandoned. This portion of the route was formerly part of a terminal loop, and to extend through service it is necessary to abandon one or the other legs. Passengers will be required to walk not to exceed one-quarter mile in order to secure service

by the new line. The new line from the center of El Cajon through Santee is in part a rerouting of an existing line along Magnolia Avenue. The proposed route will be from two to eight blocks east of the existing route, and a passenger check shows that only one person boarded along the route to be abandoned during a four-day period (Exhibit No. 12).

All stops in El Cajon on the remaining existing routes will be within five blocks of a new route, and very few passengers will be affected by the reroutings (Exhibit No. 19).

The proposed zones will not result in increased fares.

The record herein shows that the proposed routings will provide better service in and around El Cajon. We find, therefore, that public convenience and necessity require that applicant extend service in and around El Cajon as proposed, that the proposed abandonments of service are not adverse to the public interest, and that the proposed fares and transfers are reasonable and should be allowed.

The applicant's request for authority to provide a through service between San Diego and El Cajon is not supported by the record and will be denied.

The only evidence in support of the through service was from persons residing along the present San Diego to Challenge and Avocado route, who desire a direct service to and from El Cajon. The protestant concedes such a service is needed. However, the applicant requests authority to render direct service between El Cajon, Santee and vicinity and San Diego and intermediate points.

San Diego Transit System, protestant, now provides 24-hour through service between San Diego and El Cajon, seven days per week.

Daily service is on an approximate one-half hour headway (Exhibit No. 29), and the scheduled time from downtown El Cajon is 50 minutes as compared to approximately 45 minutes for the applicant. The fare is 60 cents cash or 55 cents with cash and a token, compared to a 50-cent adult fare on the applicant's line.

Here there is no showing that protestant's service between El Cajon and San Diego is inadequate, its fares excessive, its equipment unsafe, or the company inexperienced. The record and the knowledge of the Commission show the contrary. Protestant's witness testified that its El Cajon-San Diego line transports in excess of 2,000,000 passengers per year, 220,000 of which board or alight in El Cajon. Since applicant's proposed San Diego service would be in direct competition with that of San Diego Transit System, insofar as El Cajon passengers are concerned, it is reasonable to assume that a certain number of the 220,000 passengers would be lost by the existing carrier. It is conceivable that this number could be sufficient to adversely affect the present San Diego Transit System service, thereby resulting in a reduction in service. The record also fails to show any public demand for through service between San Diego and El Cajon via applicant's line. These facts being true, no additional service will be authorized between El Cajon and San Diego. The protestant has proposed a restriction which would prevent through service between San Diego and El Cajon, but would permit applicant to pick up people intermediate and transport them to either El Cajon or San Diego (Exhibit No. 4). Said restriction will be included in the order herein.

There is no transfer arrangement between applicant and protestant, although protestant proposed a transfer arrangement.

San Diego Economy Line, Inc., 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

An application having been filed, the Commission having found that public convenience and necessity require that applicant extend service as set out in the order herein, and that the proposed reroutings and abandonments of service are not adverse to the public interest,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to San Diego Economy Line, Inc., a corporation, authorizing the establishment and operation of a service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of persons between and along the routes as more specifically set forth in Appendix A attached hereto and made a part hereof, subject to the conditions and restrictions, if any, as set forth in said Appendix A.

(2) That the operating authority as set forth in Appendix A attached hereto is in lieu of all operating authority heretofore granted to applicant or its predecessors, which operating authority is hereby canceled and revoked, such cancellation and revocation to become effective concurrently with the effective date of the tariff filings required by paragraph (3) b. hereof.

(3) That in providing service pursuant to the certificate herein granted, San Diego Economy Line, Inc., shall comply 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 and insurance requirements of the Commission's General Order No. 101. 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 Orders Nos. 98 and 101, 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 the public, applicant shall establish the service herein

authorized and file in triplicate and concurrently make effective, tariffs and time-tables satisfactory to the Commission.

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

Dated at San Francisco, California,
this 28th day of June, 1960.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners
Theodore J. Jenner

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

SAN DIEGO ECONOMY LINE, INC.

Appendix A

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CERTIFICATE
of
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions, limitations,
exceptions, and privileges applicable thereto.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under authority of Decision No. 60338
dated January 28 1960, of the Public Utilities Commission
of the State of California, on Application No. 41839.

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Appendix A

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Appendix A.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

The certificate hereinafter noted supersedes all operative authority heretofore granted to San Diego Economy Line, Inc., or its predecessors.

San Diego Economy Line, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between Santee, Lakeside, Bostonia, El Cajon, Homeland, Casa De Oro, Lemon Grove and San Diego and certain territories intermediate and adjacent thereto, over and along the routes hereinafter described, subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Passengers whose origin and destination are both west of Euclid Avenue shall not be transported.
- (d) Passengers whose origin and destination are both along Main Street, between Anza Street and Magnolia Avenue, both points inclusive, shall not be transported.

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SECTION 1 (Contd.)

- (e)(1) Passengers whose origin is at any point north of Alzada Drive and Avocado Boulevard shall not be transported to points west of Campo Boulevard and Rogers Road.
- (2) Passengers whose origin is at any point west of Campo Boulevard and Rogers Road shall not be transported to points north of Alzada Drive and Avocado Boulevard.
Restrictions (e)(1) and (e)(2) shall apply both to through passengers and to those using transfers.

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SECTION 2 ROUTE DESCRIPTIONS

Route No. 1 San Diego-Carlton Hills

Beginning at the Greyhound Bus Depot located at First Avenue and Broadway in San Diego, thence along First Avenue, Market Street, Wabash Boulevard, Highway 94 Freeway, Broadway (Federal Boulevard), Campo Road, Campo Boulevard, Calavo Drive, Challenge Boulevard, Nabel Drive, Itzamma Drive, Avocado Drive, Chase Avenue, Avocado Avenue, Washington Avenue, Magnolia Avenue (El Cajon) Wells Avenue, Ballantyne Lane, Broadway, Mollison Avenue, Bradley Avenue, Pepper Villa Drive, Pepper Drive, Magnolia Avenue, Mission Gorge Road, Carlton Hills Boulevard, Halberns Boulevard, East Heaney Circle, Stoyer Drive, Halberns Boulevard, Mast Boulevard, and Domer Road to Carlton Hills Boulevard.

Also along Magnolia Avenue, unnamed street and Second Avenue between Mission Gorge Road and Edgemoor Farm. Also along Market Street and Front Street between First Avenue and Broadway.

Alternate Routes

- (1) Along 25th Street and Highway 94 Freeway between Market Street and Wabash Boulevard.
- (2) Along Federal Boulevard between Home Avenue and Broadway.

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SECTION 2 (Contd.)

Route No. 2 El Cajon-Olive Hills

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Main Street, Jamacha Road, Lexington Street, Ivory Avenue, Melody Lane, Third Street, Madison Avenue, Fourth Street, Broadway, Highway 80, Greenfield Drive, Olive Hills Avenue, Greengrove Avenue, Meadow Road, Villa Crest Drive, Souvenir Drive and Greenfield Drive to Highway 80, thence via the reverse of the going route to point of beginning.

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SECTION 2 (Contd.)

Route No. 3 El Cajon-Lakeside

Beginning at the intersection of Main Street and Magnolia Avenue, thence along Main Street, Mollison Avenue, Madison Avenue, First Street, Broadway, Second Street (Wintergardens Boulevard), El Cajon Avenue, Woodside Avenue, River Street, Park Street, Main Street and Woodside Avenue to El Cajon Avenue, thence via the reverse of the going route to point of beginning.

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SECTION 2 (Contd.)

Route No. 4 El Cajon-Ellen Lane Park

Beginning at the intersection of Magnolia Avenue and Main Street, thence along Magnolia Avenue, Chase Avenue, Lincoln Avenue, Washington Avenue, Waterloo Avenue, Dumar Avenue and Third Street to Washington Avenue, thence via the reverse of the going route to point of beginning.

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