

61657

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., for)
 authority to reroute its San Diego)
 business district terminal loop,)
 correct errors of route description)
 in several areas, and add alternate)
 routes to eliminate traffic hazards,)
 and increase operating convenience.)

Application No. 42823

Clayton W. Eslinger and Alton H. Putnam, for
 applicant.

Lindley, Scales & Patton, by Leon W. Scales,
 for San Diego Transit System, protestant.

Edwin L. Miller, Jr., for the City of San
 Diego, interested party.

Fred G. Ballenger, for the Commission staff.

O P I N I O N

By the application herein, filed with this Commission on November 3, 1960, and amended by an amendment filed on January 3, 1961, and by amendments made by interlineations during the hearings, applicant, a passenger stage corporation, operating between the Cities of San Diego and El Cajon in San Diego County, seeks authority to reroute its line in several places including the terminal area in the City of San Diego.

Public hearings on the application were held in San Diego before Examiner Kent C. Rogers on January 10 and January 25, 1961, evidence was presented and the matter was submitted.

Changes Other Than in Downtown San Diego

Applicant proposes to make several changes in routing for operating convenience and to meet public convenience and necessity. It also seeks to amend erroneous route descriptions to conform to the actual operations. These latter changes reflect route descriptions in the effective decision differing from the requested and intended routes and specified, in some instances, nonconnecting and nonexistent streets. These changes are mostly very minor.

Alternate Route No. 4 (application as amended) is a proposed service along Magnolia Avenue between Wells Avenue and Pepper Drive in the vicinity of El Cajon. The present route in this area is from the intersection of Magnolia Avenue and Wells Avenue via Wells Avenue, Ballantyne Lane, Broadway, Mollison Avenue, Bradley Avenue, Pepper Villa Drive, and Pepper Drive to Magnolia Avenue. Applicant proposes to go directly along Magnolia Avenue between Wells Avenue and Pepper Drive on the first northbound morning trip in order to save time. While the proposed and existing routes are not to exceed approximately one-half mile apart, applicant states that no passenger is picked up or discharged along the described portion of the route on said trip.

Alternate Route No. 5 is to be along Campo Road and Avocado Boulevard between Calavo Drive and Itzamna Drive and along Challenge Boulevard between Avocado Boulevard and Nabal Drive. The reason for this route is that some schedules from San Diego terminate in the vicinity of the proposed extension

or rerouting. Services terminating in this vicinity are to be operated via a loop from the intersection of Campo Road and Calavo Drive via Calavo Drive, Challenge Boulevard, Nabal Drive, Itzanna Drive, Avocado Boulevard and Campo Road. Those buses going through to El Cajon or Carlton Hills will continue to use the present route. This change will permit applicant to discontinue dangerous turning movements on narrow streets. The streets of the proposed loop are not over one-fourth mile apart and there are cross streets between.

It is our opinion and we find that public convenience and necessity require that applicant extend service as proposed in each instance east of 25th Street, and it will be so ordered. We find that any corrections or changes which may result in very minor deficiencies in route descriptions in the east portion of the services are not adverse to public interest.

Applicant also requested that it be given authority as alternate routes to use Highway No. 94 and "F" Street westbound between 25th Street and 5th Avenue, and "G" Street and Highway 94 eastbound between 4th Avenue and 25th Street. No need was shown for this proposed alternate route and this portion of the application will be denied.

Changes in Downtown San Diego

Applicant's presently authorized route in San Diego is from 4th Avenue and Market Street via Market Street and Front Street to the west side of the Greyhound Terminal between Broadway and "C" Street through the terminal and via 1st Avenue and Market Street to 4th Avenue and thence on to destination.

It proposes to reroute the service from the intersection of 5th Avenue and Market Street via 5th Avenue, "B" Street, Front Street, Broadway (or through the Greyhound Bus Terminal), 1st Avenue, "C" Street, 4th Avenue and Market Street, and then on to its authorized route.

Applicant is at present restricted so that it may not carry through passengers from San Diego beyond Avocado Boulevard and Alzada Road (Drive) nor from points north and east of said intersection beyond the intersection of Rogers Road and Campo Road. In addition applicant may carry no local passengers between any two points both of which are west of Euclid Avenue in San Diego.

Applicant called as witnesses several of its steady riders who originate at points east of Euclid Avenue but south of the Avocado Boulevard and Alzada Road intersection. These people are employed in San Diego or visit San Diego and are destined to various locations, namely, between 5th Avenue and 6th Avenue on "C" Street, the intersections of 5th Avenue and "B" Street, 6th Avenue and Ash Street (2 blocks north of "B" Street), 4th Avenue and Broadway, 6th Avenue and Broadway, 5th Avenue and Broadway, and 7th Avenue and "B" Street. As can be seen from Exhibit No. 6, each of these witnesses would be benefited by the proposed change in that their walking distance to or from the applicant's buses would be reduced.

Exhibit No. 3, introduced by the applicant, shows very few passengers boarding or alighting on applicant's routes between the intersection of 5th Avenue and Market Street, and the Greyhound Depot, both of which points will continue to be served if the requested authority is granted.

In November, 1960, applicant submitted to its riders a survey requesting information of their destinations in San Diego (Exhibit No. 6). The results of this survey are summarized in Exhibit No. 4. This exhibit shows that a portion of the applicant's steady riders would be benefited to some extent if the proposed changes were authorized.

Exhibit No. 8 is applicant's proposed and present schedule to and from San Diego, with nine schedules to San Diego and ten schedules from San Diego.

Although not sworn as a witness, a San Diego deputy city attorney pointed out that the city has given the San Diego Transit System a 30-year exclusive franchise for passenger stage operation over routes established by this Commission; has prohibited similar service within one-half mile of the authorized route (Franchise Ordinance No. 5064 of the City of San Diego, adopted January 29, 1952); that the city maintains its rights to grant franchises; that the San Diego Transit System paid a fee for its franchise; and that the applicant has no franchise from the city.

The San Diego Transit System protests the granting of the application on the basis of competition and interference with operations.

The applicant and the protestant directly compete for passengers to and from the College Grove Center located east of the City of San Diego, passengers originating and destined for Lemon Grove, and passengers originating and destined for Spring Valley, each carrier having a line which goes to and from said

communities and terminates in the central portion of San Diego. It is the protestant's contention that passengers now using its services between these communities and San Diego will possibly shift to the applicant's services if routed into the same portions of San Deigo. The protestant also objects to the use by the applicant of 4th Street and 5th Street in downtown San Diego. The basis of this objection is that 4th Street and 5th Street are the principal north and south streets in San Diego and are the streets used by three of protestant's lines; that during the hours the applicant operates its stages protestant would have 150 coaches attempting to use the stops on these streets; that these stops are only large enough for two coaches at the most; that it takes from one-half minute to five minutes to load and unload coaches during the rush periods and that the average interval is two minutes; that frequently at present protestant's buses occupy and stop and another of protestant's buses must wait to pull-up to the stop to unload passengers; that additional buses using said stops will cause protestant's buses to be further delayed; and that protestant now has three lines using these stops.

The record herein fails to show that public convenience and necessity require that applicant reroute its services in downtown San Diego, and also shows that the proposed rerouting will cause crowding and congestion at protestant's passenger stops. This portion of the application will be denied.

O R D E R

An application having been filed, public hearings having been held thereon, the Commission having found that public convenience and necessity require that applicant extend service as authorized herein and that any discontinuance of services involved is not adverse to the public interest, and that certain portions of the application should be denied, and based on said finding,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it hereby is granted to San Diego Economy Line, Inc., authorizing it to establish and operate a service for the transportation of persons as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

2. That Appendix A to Decision No. 60338 is hereby further amended by incorporating therein Second Revised Page 5 cancels First Revised Page 5, which Second Revised Page 5 is attached hereto and made a part hereof.

3. That in providing service pursuant to the certificate herein granted, San Diego Economy Lines, 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-A. 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-A, may result in a cancellation of the operating authority granted by this decision.

- b. Within one hundred twenty 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 timetables satisfactory to the Commission.

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

Dated at San Francisco, California, this 14th day of March, 1961.

President

[Signature]

S. Lynn Fox

George J. Brown

~~Frederick [Signature]~~ FSH
Commissioners

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

SECTION 2 Route Descriptions

Route No. 1, San Diego-Carlton Hills: Beginning at the Greyhound Bus Depot located at 1st Avenue and Broadway in San Diego, thence along 1st Avenue, Market Street, Wabash Boulevard, Highway 94 Freeway, Broadway (Federal Boulevard) Campo Road (Campo Boulevard) Calavo Drive, Challenge Boulevard, Nabal Drive, Itzamma Drive, Avocado Boulevard, 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, returning via Carlton Hills Boulevard direct to Mission Gorge Road.

Also along 32nd Street between Highway 94 and Market Street.

Also along Magnolia Avenue, unnamed street, and 2nd Avenue between Mission Gorge Road and Edgemoor Hospital.

Also along Market Street and Front Street between 1st Avenue and Broadway.

Also along College Grove Avenue and Ryan Road between Broadway (Federal Boulevard) and the College Grove Shopping Center.

Alternate Routes

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

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Alternate Routes (continued)

- (3) Along Magnolia Avenue between Wells Avenue and Pepper Drive in the vicinity of El Cajon.
- (4) Along Campo Road and Avocado Boulevard between Calavo Drive and Itzamma Drive and along Challenge Boulevard between Avocado Boulevard and Nabal Drive.
- (5) Along Ryan Road and Ryan Way between College Grove Shopping Center and Highway 94 Freeway.

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