

Decision No. 61946**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of
 JACK A. ROESCH, doing business as
 WESTERN TRAIL STAGES, for a certificate
 of public convenience and necessity to
 operate a passenger stage.

Application No. 43026

Alden Reid for applicant.

Musick, Peeler & Garrett, by Charles H. Tillinghast,
 for Los Angeles Metropolitan Transit Authority,
 protestant.

W. J. Cuthberth, Jr., for Airporttransit, interested
 party.

Fred G. Ballenger, for the Commission's staff.

O P I N I O N

A public hearing on the above-entitled matter was held in San Bernardino on February 28, 1961, before Examiner Mark V. Chiesa. Evidence, oral and documentary, having been adduced, the matter was submitted for decision. Herein applicant will sometimes be referred to as Roesch and the Los Angeles Metropolitan Transit Authority as M.T.A.

Applicant now operates a regular bus service between San Bernardino, on the one hand, and Crestline, Lake Arrowhead and Big Bear Lake, on the other hand, and intermediate and off-route points, subject to certain conditions and restrictions (Decisions Nos. 43644 and 47178). He is also authorized to transport persons between named points in San Bernardino and Ontario, on the one hand, and the Los Angeles Coliseum, on the other hand, only at times when the "Dodgers" baseball team is playing at the Coliseum (Decision No. 59113). Additionally, he has authority similar to that above, -to render service to Wrigley Field when the "Angels" baseball team is playing therein (Decision No. 61862).

By this application Roesch seeks authority to establish and operate a regularly scheduled service between Redlands, San Bernardino and Fontana, on the one hand, and the Ontario and Los Angeles International Airports, on the other hand. Definite pickup and discharge points will be named and a direct route will be used. The service will be only for airline passengers or personnel having point of destination or origin at said airports. No service is proposed between said airports and any point not within the limits of the said three named cities except the Kaiser Steel Plant situated in the vicinity of Fontana, the Norton Air Force Base in the vicinity of San Bernardino, and a facility in Mentone near Redlands.

The proposed fares will depend on point of pickup or discharge and will range from \$2.00 to \$3.00 to the Ontario Airport, and from \$4.75 to \$5.25 to the Los Angeles Airport.

It is proposed to commence service with seven schedules in each direction operated between the hours of approximately 4:30 a.m. and 10:00 p.m., subject to change, if required, to meet the need of airline passengers.

Applicant will operate buses or limousine-type equipment depending upon traffic volume. Applicant owns and operates adequate equipment and facilities, is experienced, and his financial condition is sound, having a net worth of \$174,116.36 as of November 30, 1960 (Exhibit "C" filed with the application).

Seven witnesses, representing communities, business establishments, and civic organizations, testified in support of the application. Their testimony indicates that a public need exists for a direct passenger stage service as proposed and we so find.

Protestant M.T.A. does not operate a direct bus service between the points herein proposed to be served and the Los Angeles International Airport. Its service on Line 60 between Redlands and Los Angeles does provide three schedules from Redlands and four from San Bernardino to the Ontario Airport, and four schedules from said airport to San Bernardino and Redlands. This line serves many communities enroute and is not particularly operated as a special airport service such as proposed by applicant.

A representative of M.T.A. testified that when the new Los Angeles Airport Terminal is completed it will be possible, and it is proposed, to serve that airport with its Line 51. However, it did not appear that such service would be exclusively for airline passengers or that a transfer at Los Angeles, as now required, would be eliminated.

Having considered the evidence of record, the Commission is of the opinion and finds that public convenience and necessity require the service herein proposed, and therefore an operating authority as hereinafter set forth will be granted.

Although applicant did not request authority to serve the Lockheed Air Terminal, such authority will be included on an emergency or "on-call" basis when weather or other conditions at the Los Angeles International Airport require airlines to use the Lockheed Air Terminal facilities.

Jack A. Roesch 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

A public hearing having been held, the Commission being fully advised in the premises, and having found facts and concluded as hereinabove set forth, and that public convenience and necessity so require,

IT IS ORDERED:

(1) That Jack A. Roesch be and he hereby is authorized to establish and operate a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of persons and their baggage or express, between points and over routes as more particularly set forth in Appendix A attached hereto and made a part hereof, subject to the conditions and restrictions as set forth in said Appendix A.

(2) That in providing service pursuant to the certificate herein granted, Jack A. Roesch 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 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 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.

(3) That except as herein authorized, Application No. 43026 is hereby denied.

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

Dated at San Francisco, California, this 1st day of May, 1961.

Charles W. Page
President
Arthur E. McCall
E. J. Fox
George E. Hoover
Frederick B. Hobbhoff
Commissioners

Jack A. Roesch, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport persons and their baggage and express between Mentone, Redlands, San Bernardino, Norton Air Force Base, Fontana, and the Kaiser Steel Company plant, on the one hand, and the Ontario International Airport, Los Angeles International Airport, and the Lockheed Air Terminal, on the other hand, subject to the following conditions and restrictions:

- (a) No passenger shall be transported whose origin or destination is a point other than the points and places hereinabove named, the specific points of pickup and discharge to be named in applicant's tariff, and all passengers shall either be destined to or originate at one of said airports.
- (b) No express shall be transported except expedite baggage, mail or newspapers, and said express shall be transported on passenger-carrying vehicles and limited to a weight of not more than 100 pounds per shipment.
- (c) Passengers shall be picked up or discharged in accordance with local traffic rules, at or near the intersections or points listed in the application.
- (d) When service is rendered on an "on-call" basis, tariffs and timetables of Jack A. Roesch shall show the conditions under which such "on-call" service will be rendered.

Issued by California Public Utilities Commission.

Decision No. 51945, Application No. 43026.

Subject to the authority of the Commission to change or modify such at any time, applicant shall conduct said passenger stage operation over and along the most convenient and direct routes between the said airports, on the one hand, and the points and places of service hereinabove authorized, on the other hand, stopping for passengers only at points named in applicant's tariff.

Applicant is authorized to turn its 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.

(End of Appendix A)

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