

ORIGINAL

Decision No. 63261

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 cer-
tificate of public convenience and
necessity to operate a passenger
stage.

Application No. 43821
(Filed October 6, 1961)

Alden Reid for applicant.
Musick, Peeler and Garrett, by Charles H.
Tillinghast, for Los Angeles Metropolitan
Transit Authority, protestant.
Art Nay, for California Bus Lines, Inc., and
Woody Wade, for Riverside Chamber of
Commerce, interested parties.
Fred G. Ballenger, for the Commission's staff.

O P I N I O N

A public hearing was held on the above-entitled matter in Riverside on December 12, 1961, before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

Applicant seeks authority to establish and operate a regularly scheduled service for air-line passengers between Riverside and the Mira Loma Air Force Station and intermediate points, on the one hand, and the Ontario International Airport and the Los Angeles International Airport, on the other hand, and an "on-call" service between March Field and said airports.

The application was protested by the Los Angeles Metropolitan Transit Authority (hereinafter referred to as MTA).

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 to render service to Wrigley Field when the "Angels" baseball team is playing there (Decision No. 61862), and by Decision No. 61946 he 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 certain restrictions.

Applicant does not propose to transport persons to or from said airports whose point of origin or point of destination is west of Etiwanda Avenue, except persons originating at or destined to the Mira Loma Air Force Station. No passengers will be transported between one airport and the other. The service is for air-line passengers and personnel originating at or destined to one or the other of said airports. The March Field service will be provided "on call", but only to make connections with regular schedules and provided that two hours' notice is given for pickups.

Applicant proposes to commence operations with shuttle service between Riverside and the Ontario Airport, at which point passengers will be transferred to the through bus operated between San Bernardino and said airports. Limousines or buses will be used depending on the volume of business, and, when justified, a through service from Riverside will be operated. 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. Zones and fares established for the Riverside service are comparable with the zones and fares of the present San Bernardino and Redlands service. Schedules will be coordinated with the latter service, and connections will be at the Ontario Airport stop. Applicant will commence operations with six or seven schedules in each direction, the first trip leaving Riverside at approximately 5 A.M., with the last schedule from the Los Angeles Airport at approximately 12:05 A.M.

Applicant owns and operates adequate equipment and facilities, is experienced, and financially responsible.

Nine witnesses testified in support of applicant's proposal. They represented large business concerns, a hotel, two travel agencies, one airline, and a civic organization. The testimony clearly shows a need for a more direct and convenient airport service than is now available.

Protestant MTA now operates a regular bus service between Riverside and downtown Los Angeles (Line 60), which does

not operate into the Ontario Airport, and a similar service between downtown Los Angeles and the Los Angeles Airport (Line 51), serving that latter facility on some of its schedules. Said lines, however, are not convenient for baggage-carrying passengers and are more or less local in character as they serve many intermediate communities. Service to the Los Angeles Airport via said two lines is incidental rather than special.

Having considered the matter, the Commission finds facts as hereinabove set forth, and also that public convenience and necessity require that applicant's passenger stage service as proposed be established and operated. The application 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 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 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 13th day of FEBRUARY, 1962.

Charles H. Ray
President
John L. Hughes
E. L. Ten
Frederic B. Holcomb

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

JACK A. ROESCH
doing business as
WESTERN TRAIL STAGES

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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 March Field, Riverside and Mira Loma Air Force Base, 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.

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Appendix A

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- (e) Applicant may transport air-line passengers and personnel to and from the Lockheed Air Terminal on emergency "on-call" basis when necessary due to weather or other conditions which make service to Los Angeles International Airport or the Ontario International Airport impracticable.
- (f) Motor vehicles may be turned at termini or 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.

Subject to the authority of the Commission to change or modify such at any time, Jack A. Roesch shall conduct said passenger stage operations over and along the most convenient and direct routes between said Airports, on the one hand, and the points and places hereinabove authorized, on the other hand.

End of Appendix A

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