

**ORIGINAL**Decision No. 68651

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, to sell, and )  
 AIRPORTTRANSIT, a corporation, to )  
 purchase certificates of public con- )  
 venience and necessity as a passenger )  
 stage corporation for the transporta- )  
 tion of airline passengers. )

Application No. 47183

O P I N I O N

Applicant seller (Roesch) requests authorization to sell, pursuant to Public Utilities Code Section 851, to applicant buyer (Airporttransit) certain certificates of public convenience and necessity to operate as a passenger stage corporation for the transportation of airline passengers.

Roesch is engaged generally in operations as a passenger stage corporation under various certificates of public convenience and necessity issued to him by the Commission. Such operations include the transportation of airline passengers and their baggage between Los Angeles International Airport and designated points in San Bernardino and Riverside Counties, and between the Ontario International Airport and said designated points in San Bernardino and Riverside Counties under certificates of public convenience and necessity issued by the Commission in its Decisions Nos. 61946, 63261, and 67269. The latest available balance sheet of Roesch shows a net worth of \$305,669.24 as of September 30, 1964.

Airporttransit is a passenger stage corporation and is engaged generally in transportation of airline passengers and their baggage between certain territories, cities, and points in the greater Los Angeles area, on the one hand, and Los Angeles International Airport, Ontario International Airport, and Lockheed Air Terminal, on the other hand. Such operations are conducted by Airporttransit under a certificate of public convenience and necessity issued by the Commission in its Decision No. 59259, as amended by Decision No. 60755. The latest available balance sheet of Airporttransit shows a net worth of \$506,936.20 as of May 31, 1964.

Roesch proposes to sell, and Airporttransit proposes to purchase, the certificate of public convenience and necessity of Roesch authorizing the transportation of airline passengers and their baggage as hereinbefore described. The purchase price to be paid by Airporttransit to Roesch is \$12,500. Said sum will be paid in cash concurrently with the transfer of said certificates following the approval and authority of the Commission.

Roesch alleges that the sale will be helpful to him in the conduct of his remaining general passenger stage operations by removing the problems imposed by two different types of operations, and will permit him to obtain the maximum use of his equipment, facilities and personnel in rendering a more efficient service to the general public in his passenger stage operations.

Airporttransit alleges it has been engaged in the specialized transportation of airline passengers and their baggage in the greater Los Angeles area for in excess of 20 years and that it has the experience, equipment and facilities necessary to conduct the subject operations with maximum efficiency. It also alleges the acquisition of

these certificates will not impair or jeopardize its present operations and that in the event additional facilities, equipment, or personnel should be required it has the financial ability to obtain them when and as required.

Applicants further allege that the service proposed to be transferred is not competitive with any passenger stage corporation engaged in the transportation of airline passengers insofar as known to applicants. There have been no protests to the proposed transfer.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of value of the rights and properties herein authorized to be transferred.

Airporttransit 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

IT IS ORDERED that:

1. On or before April 30, 1965, Jack A. Roesch may sell and transfer, and Airporttransit 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, Airporttransit 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. Applicants shall amend or reissue the tariffs and timetables on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that Jack A. Roesch has withdrawn or canceled, and Airporttransit has adopted or established, as its own, said rates, rules and regulations. The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98 and shall conform to Appendices A, attached hereto and hereby made a part hereof.

4. On or before the end of the third month, after the consummation of the transfer as herein authorized, Airporttransit shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of FEBRUARY, 1965.

Fredrick D. Halldorf President  
George G. Thayer  
William L. Bennett Commissioners

	<u>INDEX</u>	<u>Page No.</u>
Section 1.	GENERAL AUTHORIZATIONS, etc. . . . .	3
	Turning vehicles at termini, etc. . . . .	4
	Passenger restrictions . . . . .	4
	Pick-up and discharge points . . . . .	4
	"On-Call" service . . . . .	5
Section 2.	DESCRIPTION OF TERRITORIES	
	Los Angeles territory . . . . .	8
	Hollywood territory . . . . .	8
	West Los Angeles territory . . . . .	8
	San Fernando Valley territory . . . . .	9
	Inglewood-Hawthorne territory . . . . .	9
	Commerce territory . . . . .	9
*Section 3.	ROUTE DESCRIPTIONS	
	(1) San Bernardino, Redlands, Riverside, Fontana - Ontario and Los Angeles Airports. . . . .	10

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\*Added by Decision No. 68651, Application No. 47183.

7. between the Los Angeles International Airport, on the one hand, and the Ontario International Airport, on the other hand, including service to and from said airports and the intermediate points of El Monte, West Covina, Covina, Pomona, Montclair and Ontario and the off-route points of the Los Angeles County Fairgrounds; and
  8. between the City of Glendale, on the one hand, and the Ontario International Airport, on the other hand; and,
  9. between the City of Commerce, on the one hand, and the Los Angeles International Airport, on the other hand,
- \*and to transport persons, their baggage and express,
- \*10. between the Cities of San Bernardino, Redlands, Riverside and Fontana, on the one hand, and the Ontario International Airport, and Los Angeles International Airport, on the other hand.

The authority herein granted is subject to the following conditions and restrictions:

All service except Route No. 1.

- a. 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.
- b. Only airline passengers, airline employees, employees of the Department of Airports of the City of Los Angeles, and the Department of Airports of the City of Ontario and their baggage, shall be transported.
- c. Passengers shall be picked up and discharged only at points and places to be named in applicant's tariff and situated within the territories and cities hereinabove named.
- d. Hollywood Park Race Track service shall be rendered only on days when thoroughbred and harness races are scheduled.

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- e. When service is rendered on an "on-call" basis, tariffs and timetables of Airporttransit shall show the conditions under which such "on-call" service will be rendered.
- f. Subject to the authority of this Commission to change or modify such passenger stage operation at any time, Airporttransit shall conduct said operation over and along the most direct or appropriate route or routes, subject, however, to local traffic regulations.
- \*g. Route No. 1 only:
- (1) No passenger shall be transported whose origin or destination is a point other than the points and places authorized, and all passengers shall either be destined to or originate at one of said airports.
  - (2) 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.
  - (3) Passengers shall be picked up or discharged in accordance with local traffic regulations. Specific points shall be named in applicant's tariff.

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## Section 3. ROUTE DESCRIPTIONS:

ROUTE (1) - San Bernardino, Redlands,  
Riverside - Ontario and  
Los Angeles Airports:

Commencing in the City of San Bernardino;  
thence via the most direct and appropriate  
route, or routes, to the Ontario International  
Airport, serving Redlands, Riverside, and  
Fontana as intermediate points; thence via  
the most direct and appropriate route, or  
routes, to the Los Angeles International  
Airport.

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Decision No. 68651, Application No. 47183.



APPENDIX A  
(Decision No. 66715)

JACK A. ROESCH  
doing business as  
WESTERN TRAIL STAGES

First Revised Page 2  
Cancels  
Original Page 2

<u>INDEX</u>		<u>Page No.</u>
SECTION 1.	GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS . . . .	3,4,5,6
SECTION 2.	ROUTE DESCRIPTIONS:	

<u>Route No.</u>	<u>Route Name</u>	
	*Left blank intentionally	7
3	Redlands, San Bernardino- Dodger Stadium	8
4	Riverside - Dodger Stadium	8
5	San Bernardino Mountain Resorts	9

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(Decision No. 66715)

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Second Revised Page 3  
Cancels  
First Revised Page 3

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

\*Jack A. Roesch, doing business as Western Trail Stages,  
is authorized to transport persons, their baggage and express,  
between points specified in paragraph 5 below, and persons between  
points specified in paragraphs 3 and 4 below:

3. Points in San Bernardino County as hereinafter  
specified, on the one hand, and Dodger Stadium  
(City of Los Angeles), on the other hand;
4. The City of Riverside, on the one hand, and  
Dodger Stadium (City of Los Angeles), on the  
other hand;
5. The City of San Bernardino, on the one hand,  
and San Bernardino mountain resorts, including  
Crestline, Lake Arrowhead and Big Bear Lake,  
on the other hand;

over and along the routes hereinafter described, subject to the  
conditions and restrictions hereinafter set forth.

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First Revised Page 4  
Cancels  
Original Page 4

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS AND SPECIFICATIONS (Continued)

- (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.

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First Revised Page 5  
Cancels  
Original Page 5

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS AND SPECIFICATIONS (Continued)

\*(c) Routes Nos. 3 and 4:

Service from points in San Bernardino County and the City of Riverside to the Dodger Stadium shall be rendered only on a round-trip basis.

- (1) Except at Dodger Stadium, passengers shall be picked up and discharged ONLY at specified points in the Cities of Redlands, San Bernardino, Riverside and Ontario. Specific points shall be named in applicant's tariff.
- (2) Applicant shall operate the service hereinabove authorized only when the Los Angeles Dodgers, or the Los Angeles Angels' baseball teams are playing in Dodger Stadium.

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First Revised Page 6  
Cancels  
Original Page 6

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS AND SPECIFICATIONS (Continued)

\*(d) Route No. 5:

- (1) Commencing with the first day of October to and including June 15, and during said period each year on not less than ten days' notice to the Commission and to the public, service may be discontinued between San Bernardino and the San Bernardino mountain resorts. However, service may be commenced prior to June 15 of any year to coincide with the commencement of school summer vacation.
- (2) The transportation of express shall be incidental to the transportation of passengers; shall be limited to a weight of twenty-five (25) pounds per shipment and shall be transported on passenger vehicles only.
- (3) No passengers, baggage or express shall be transported having both origin and destination between the following points:  
  
The San Bernardino Terminal and a point one and six-tenths (1.6) miles north of the intersection of Sierra Way and 40th Street.  
  
The San Bernardino Terminal and the intersection of Highland Avenue and City Creek Road, near Highland.  
  
Any two points within the City of San Bernardino.
- (4) When operating over the alternate route, via Victorville and Lucerne Valley, no passengers, baggage or express, having both origin and destination between the San Bernardino Terminal and Lucerne Valley, shall be transported.

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Second Revised Page 7  
Cancels  
First Revised Page 7

SECTION 2. ROUTE DESCRIPTIONS

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