

ORIGINALDecision No. 70167

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LEISURE WORLD FOUNDATION, a non-profit)
 corporation, for certificate of public)
 convenience and necessity to operate)
 a passenger and baggage service between)
 ROSSMOOR LEISURE WORLD, WALNUT CREEK,)
 and the downtown area of the City of)
 Walnut Creek and to establish fares.)

Application No. 48039
 (Filed November 8, 1965)
 (Amended November 26, 1965)

O P I N I O N

As originally filed on November 8, 1965, this application failed to clearly show that any portion of the route lay outside the city limits of the City of Walnut Creek. Also, this being a non-profit corporation, it was not apparent that its articles of incorporation conferred authority to operate as a passenger stage corporation serving the general public.

A clarifying amendment was filed on November 26, 1965, which shows that over 2 percent of the route is outside the city limits, and restricts the service offered to passengers originating at or destined to Rossmoor Leisure World. This appears to bring the application within applicant's corporate powers, provided its fares are at all times reasonable so as not to produce a substantial profit.

Copies of the application were served in accordance with the Commission's procedural rules. There are no protests.

Applicant requests authorization to institute and conduct operations as a passenger stage corporation for the transportation only of those members of the public, and their incidental baggage, whose origin or ultimate destination is Rossmoor Leisure World of Walnut Creek. Applicant presently does not possess any Commission authority to transport passengers within the State of California.

Applicant proposes to "charge fares and rates on its own basis". The one-way fare will not exceed \$.50. In view of the vague statement as to rates and charges, applicant will be required to file specific rates and fares before service is instituted.

The financial statement, Exhibit D, attached to the application indicates adequate financial ability to assure a successful operation.

As justification for granting the application it is alleged that Rossmoor Leisure World is an adult community with a present population of 2,316 persons and an anticipated ultimate population of 18,000. At the present time there is no stage service available in the Walnut Creek area except that provided by the Western Greyhound Lines which follows a freeway course and does not serve Rossmoor World. Passengers using Western Greyhound service cannot be loaded or discharged nearer than three miles away. Applicant is alleged to be thoroughly familiar with the transportation business, the area and routes over which the operation will be conducted. Applicant now owns two eight-passenger Volkswagen buses which will be available for this service.

Upon a careful consideration of the application and evidence submitted therewith, the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
3. Public hearing is not necessary.

The Commission concludes that the certificate of public convenience and necessity should be issued to Leisure World Foundation as requested.

Applicant 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. A certificate of public convenience and necessity is granted to Leisure World Foundation, a corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe 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 comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-A. Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A or 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, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) 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 establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 4th day of January, 1966.

Frederick B. Hallock
President

John L. ...

George L. ...

Augusta

William W. ...
Commissioners

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. 70167
dated Jan. 4, 1966, of the Public Utilities
Commission of the State of California, in Application No. 48039.

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

Leisure World Foundation, a non-profit corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between Rossmoor Leisure World, on the one hand, and the City of Walnut Creek, on the other hand, over the routes hereinafter described and subject to the following provisions:

- (a) Service shall be restricted to persons originating at or destined to Rossmoor Leisure World.
- (b) 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.

Issued by California Public Utilities Commission.

Decision No. 70167, Application No. 48039.

SECTION 2. ROUTE DESCRIPTIONS.

Commencing at Rossmoor Leisure World, thence along Rossmoor Parkway, Tice Valley Boulevard, Olympic Boulevard, Broadway Plaza, Broadway, Civic Drive to its intersection with Main Street, Civic Drive, Ygnacio Valley Road to the John Muir Hospital, Ygnacio Valley Road, Civic Drive, Main Street, Ygnacio Valley Road, Oakland Boulevard, Mount Diablo Boulevard, Boulevard Way, Tice Valley Boulevard and Rossmoor Parkway to the point of beginning.

Issued by California Public Utilities Commission.

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