

**ORIGINAL**Decision No. 70902

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 EL CAMINO CHARTER LINES, INC., a  
 corporation, for certificate of  
 public convenience and necessity to  
 operate a passenger service between  
 Baden and Airport Boulevard, South  
 San Francisco, California, and  
 Callan and King Drive, South San  
 Francisco, California.

Application No. 48314  
 Filed March 17, 1966

Halley, Cornell & Wollenberg, by Robert H.  
 Cornell and J. E. Jones, for applicant.  
George Ferris, for Northgate Transit Company,  
 inc., protestant.  
H. H. Nichols, for the Commission staff.

O P I N I O N

This application was heard before Examiner Fraser at San Francisco on April 25, 1966, on which date the matter was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. A protest was filed by Northgate Transit Company, Inc. Applicant presently operates under a permit as a charter-party carrier of passengers.

El Camino Charter Lines, Inc. requests authority to institute a scheduled bus route on a 180-day trial basis. The proposed route will provide eight daily schedules on five days of the week between Baden Avenue and Airport Boulevard in South San Francisco and Callan and King Drives, also in South San Francisco. There will be no service provided on Saturdays or Sundays and no service on the holidays of Christmas, New Year's, Washington's Birthday, Memorial Day, Fourth of July, Labor Day and Thanksgiving.

The proposed fare will be 25 cents for adults and 15 cents for children with those under six years of age transported free. Service will be started with a single 45-passenger bus. If the route is sufficiently patronized a new bus will be purchased in September 1966.

The president of applicant testified that the authority requested herein will enable applicant to provide public transportation between the heavily populated housing tracts in the western part of South San Francisco and the downtown area, which is on the eastern edge of town; the proposed route will connect with both the Southern Pacific and Greyhound routes which serve the Peninsula and San Francisco, and will be a convenience for shoppers and those who come into town for recreation or medical treatment; portions of the route are within San Bruno and Daly City, although approximately five miles of the 5-1/2-mile one-way route is in South San Francisco. The proposed service has been requested by the public; the Board of Directors of the Westborough Homeowners Improvement Association (over 500 dues-paying members) requested the applicant to provide this service (Exhibit 1) since there is no public transportation in or out of the area; a representative of the Westborough Association has indicated that the association may vote to subsidize the operation if it appears that it will not be self-supporting. The Mayor of the City of South San Francisco is in favor of the service (Exhibit 2) as is the City Council. The witness testified that the estimated cost of operating one bus will be approximately \$700 a month, and he believes that the operation may have to be subsidized to be profitable. Applicant has sufficient equipment and maintenance facilities to start the new service; if it is successful, additional equipment will be obtained. A period of 30-odd minutes

has been allowed for the round trip after several test runs in buses that will be used on the route; the scheduling has been designed to meet the principal Greyhound and Southern Pacific north-south service. Applicant has requested the 180-day trial period so the new service can be conveniently discontinued if the route is not patronized by the public. There is no service from east to west in the area now.

A representative of the protestant testified that it was his opinion that the route could never be self-supporting and that the buses could not make a round trip in the time allotted. The witness testified that protestant does not operate in the area applicant has applied to serve, but has been planning a north-south route which may go through some of the area to be served by applicant sometime in the future.

Upon consideration of the evidence the Commission finds that:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. There is no service presently in the area applicant proposes to serve.
3. There is a public need for the service which will connect the outlying housing tracts and the shopping and recreational areas.
4. Applicant's proposed route will not affect protestant, which is not operating in the area to be served.
5. Public convenience and necessity require that the application be granted as set forth in the ensuing order.

We conclude that the application should be granted.

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 hereby granted to El Camino Charter Lines, Inc., authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the points and over the routes set forth in Appendix A attached hereto.
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. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, and rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-B.

Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A, or 101-B, 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.

3. In the event applicant seeks to discontinue service on the route authorized herein after 180 days of service, it shall, within two hundred and forty days and not sooner than one hundred and eighty days after the effective date of tariff and timetable filings required by paragraph 2(b) hereof (1) file a notice of intention to discontinue the service upon fifteen days' notice to the Commission and the public, such notice to be posted conspicuously on its buses, (2) file a report on the one hundred and eighty day operation and (3) amend its tariff and timetable filings

to reflect the discontinuance of service, such filings to be made effective not earlier than the one hundred and ninety-fifth day after establishment of service on not less than fifteen days' notice to the Commission and the public. The filing of the notice of intention, the report, and the tariff and timetable amendments required above shall be made simultaneously. Upon the effective date of the tariff and timetable filings, unless otherwise ordered by the Commission, applicant may abandon the route and may have its certificate canceled.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of JUNE, 1966.

Frederick B. Hallock  
President

D. E. [Signature]

George F. Glover

[Signature]

[Signature]  
Commissioners

SECTION 1. General Authorizations, Restrictions, Limitations and Specifications.

El Camino Charter Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers by motor vehicle within the City of South San Francisco and between the City of South San Francisco and surrounding area over the routes as hereinafter described, subject to the following provisions:

- (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) When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.

Issued by California Public Utilities Commission.

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## SECTION 2. Route Description.

Commencing at the intersection of Baden Avenue and Airport Boulevard, in the City of San Francisco, thence along Baden Avenue, Spruce Avenue, Alida Way, Country Club Drive, Dorado Way, Avalon Drive, Junipero Serra Boulevard, Westborough Boulevard, Olympic Drive, Shannon Drive, St. Cloud Drive, Oakmont Drive and King Drive to its intersection with Callan Drive.

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