

ORIGINAL

Decision No. 72023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)
 OF)
)
 COUNTY TRANSIT LINES, INC.,)
 a California corporation,)
)
 to authorize transfer of Certi-)
 ficate of Public Convenience)
 and Necessity from EUGENE R.)
 BOSWELL, dba COUNTY TRANSIT)
 LINES and for authority to)
 issue stock.)
 _____)

Application No. 49081
Filed January 16, 1967

O P I N I O N

This is an application for an order of the Commission

(1) authorizing Eugene R. Boswell, an individual doing business as County Transit Lines, to sell and transfer a passenger stage corporation certificate of public convenience and necessity, together with related assets, to County Transit Lines, Inc., and

(2) authorizing the latter to assume liabilities and to issue 1,500 shares of its \$10 par value capital stock.

By Decision No. 71673, dated December 6, 1966, in Application No. 48647, Eugene R. Boswell was granted a passenger stage corporation certificate of public convenience and necessity authorizing the transportation of passengers between various points and places in Contra Costa County. The application

indicates that the owner's equity in the business as of January 6, 1967 was \$15,000, which sum represents the down payment on three new buses having a total cost of \$62,000.

In the present proceeding Eugene R. Boswell requests authority to sell and transfer the certificate of public convenience and necessity, together with buses and other assets, to County Transit Lines, Inc., a California corporation organized on or about December 21, 1966. The corporation proposes to acquire said assets, subject to existing liabilities, and to issue \$15,000 aggregate par value of its capital stock in exchange for the assets to be acquired and liabilities to be assumed. No value will be assigned to the certificate of public convenience and necessity.

The Commission has considered this matter and finds that: (1) the proposed transactions will not be adverse to the public interest; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein; and (3) such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income. A public hearing is not necessary.

On the basis of the foregoing findings we conclude that the application should be granted. The action taken herein shall not be construed as a finding of value of the properties to be transferred.

The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Eugene R. Boswell, doing business as County Transit Lines, and the issuance of a certificate to County Transit Lines, Inc.

County Transit Lines, Inc. 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 May 31, 1967, Eugene R. Boswell may sell and transfer, and County Transit Lines, Inc. may purchase and acquire, the passenger stage corporation certificate of public convenience and necessity and other assets referred to in this proceeding.

2. County Transit Lines, Inc., in acquiring said certificate and other assets, may assume the liabilities and obligations referred to herein, and may issue and sell not to exceed \$15,000 aggregate par value of its common stock.

3. County Transit Lines, Inc. shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the consummation of the transfer herein authorized, County Transit Lines, Inc. 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.

5. County Transit Lines, Inc. shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the passenger stage operations herein to show that Eugene R. Boswell has withdrawn or canceled, and County Transit Lines, Inc. has adopted or established, as its own, said rates and rules. The tariff and timetable filings shall be made effective not earlier than ten days after the 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-A.

6. On or before the end of the third month after the consummation of the transfer as herein authorized, County Transit Lines, Inc. shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

7. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to County Transit Lines, Inc. 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.

8. The certificate of public convenience and necessity granted in paragraph 7 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 71673, which certificate shall be revoked effective concurrently with the effective date of the tariff filings required by paragraph 5 hereof.

9. In providing service pursuant to the certificate herein granted, County Transit Lines, Inc. shall comply with and observe the following service regulations:

- a. Within thirty days after the date hereof, County Transit Lines, Inc. shall file a written acceptance of the certificate herein granted. The company 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, 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-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. County Transit Lines, Inc. 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.

10. The effective date of this order is the date hereof.

Dated at San Francisco, California,
this 15th day of FEBRUARY, 1967.

Paul E. Hatchell
President

Valentine Bennett

Augustin

William Lyons Jr.

Neal P. Manssey
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. 72023
dated Feb. 15, 1967, of the Public Utilities
Commission of the State of California, in
Application No. 49081.

SECTION 1. General Authorizations, Restrictions, Limitations and Specifications

County Transit 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, between various places in Contra Costa County including Danville, Alamo, Walnut Creek, Pleasant Hill, Concord, Pacheco, Martinez and intermediate points over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (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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SECTION 2. Route DescriptionsRoute No. 1 - Walnut Creek - Concord via Ygnacio Valley

Commencing at the intersection of Mt. Diablo Boulevard and South Main Street, in the City of Walnut Creek, thence via Mt. Diablo Boulevard, South Broadway, South Main Street, North Main Street, Civic Drive, Ygnacio Valley Road, Walnut Avenue, Wiget Lane, Cedro Lane, Oak Grove Road, Meadow Lane, Market Street, Willow Pass Road, Grant Street, Concord Boulevard and Mt. Diablo Street to its intersection with Willow Pass Road.

Route No. 2 - Walnut Creek - Concord via Pleasant Hill

Commencing at the intersection of Mt. Diablo Boulevard and South Main Street, in the City of Walnut Creek, thence via Mt. Diablo Boulevard, South Broadway, South Main Street, North Main Street, Ygnacio Valley Road, Hillside Avenue, Parkside Drive, Buena Vista Avenue, San Luis Road, Larkspur Lane, Geary Road, Putnam Boulevard, Patterson Boulevard, Boyd Road, Contra Costa Boulevard, Gregory Lane, Pleasant Hill Road, Mercury Way, Apollo Way, Taylor Boulevard, Morello Avenue, Viking Drive to Diablo Valley College, Viking Drive, Contra Costa Boulevard, Willow Pass Road, Grant Street, Concord Boulevard and Mt. Diablo Street to its intersection with Willow Pass Road.

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Route No. 3 Danville - Walnut Creek - Martinez

Commencing at the intersection of Diablo Road and Danville Boulevard in Danville; thence via Diablo Road, Prospect Avenue, Danville Boulevard, South Main Street, North Main Street, Interstate Highway 680, Buskirk Avenue, Monument Boulevard, Contra Costa Boulevard, Pacheco Boulevard to Jones Street in the City of Martinez; thence via Jones Street, Pine Street, Main Street, Berreliessa Street, Alhambra Avenue, Arnold Industrial Highway and Muir Station Road to the Veterans' Administration Hospital.

Route No. 4 - Concord Area

Commencing at the intersection of Grant Street and Concord Boulevard, in the City of Concord; thence via Concord Boulevard, Colfax Street, Clayton Road, Washington Boulevard, Michigan Boulevard, El Camino Drive and Clayton Road to its intersection with Washington Boulevard. Also, from the intersection of Grant Street and Concord Boulevard; thence along Grant Street, Willow Pass Road, Landana Drive, Concord Boulevard, Thornwood Drive, Wilson Lane and West Street to its intersection with Concord Boulevard.

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