

ORIGINAL

Decision No. 76453

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of SAN DIEGO ECONOMY LINE, INC., )  
for authority of an alternate )  
route extend, abandon and revise )  
restriction on its passenger )  
stage service on Route "2" in the )  
vicinities of San Ysidro, Hobart )  
Heights and Chula Vista. )

Application No. 51242  
Filed July 14, 1969

Freddie L. Allen, for applicant.  
W. L. McCracken, for Greyhound Lines  
West (Division of Greyhound Lines,  
Inc.), protestant.  
Duane V. Scott, interested party.  
Lloyd C. Young, for the Commission staff.

O P I N I O N

The application was heard before Examiner Rogers in Chula Vista on September 25, 1969 and submitted. Copies of the application and a notice of hearing were served in accordance with the Commission's procedural rules. In addition, a notice of the hearing was posted in applicant's buses as requested by this Commission.

The applicant seeks (a) an alternate route from San Ysidro on the Mexican border via Interstate Highway 5, San Ysidro Boulevard and Dairy Mart Road to North Vista Avenue and thence via its authorized route; (b) authority to extend service from the intersection of Beyer Way and Del Sol Boulevard along Del Sol Boulevard, Piccard Avenue and Palm Avenue to Beyer Way; (c) authority to abandon service to

and from the Unimart Shopping Center in Chula Vista; and (d) a change in the existing restriction concerning pickup and discharge of passengers in Chula Vista.

The Restriction

The existing restriction is set forth in Decision No. 73865, dated March 19, 1968, in Application No. 49702 as follows:

"No passenger shall be transported whose origin and destination are both west or south of Minot Avenue and "E" Street, Chula Vista, to and including the International Border.

EXCEPTIONS:

This restriction SHALL NOT APPLY to any passenger boarding or alighting:

- (1) Along Beyer Way between Fern Avenue and the Otay River, both points inclusive.
- (2) ---"

This decision was rendered after hearing and affirmed a prior order to the same effect also made after hearing (Decision No. 72002 dated February 15, 1967 in Application No. 48622). On July 2, 1968 applicant again petitioned for removal of the restriction (Application No. 50367). By Decision No. 74899, dated November 6, 1968 this Commission denied without hearing applicant's request for removal of the restriction. In said decision, the Commission stated:

"The issue has been twice raised and adjudicated. The time and resources of the Commission and other concerned parties should not be again consumed on what should properly have been the subject of a timely petition for Rehearing of Decision No. 73865, such decision having been issued only 100 days prior to the present application in which applicant attempted in the last two years to provide service duplicating that of protestant, Greyhound Lines, Inc. between Chula Vista and the San Ysidro Port of Entry."

The present application was filed only eight months after the prior order in Decision No. 74899 which denied the requested authority. This language is appropriate herein except that the issue has been adjudicated three times. In prior hearings before this Commission evidence was introduced to show that Greyhound made approximately 50 to 60 round trips per day providing local service between Chula Vista and San Ysidro. The same Greyhound service still continues.

Greyhound requests that the application for removal of the restriction be denied. It stated that if the request is denied it has no objection to the remainder of the application.

We see no reason to amend the existing restriction and Greyhound's request to deny that portion of the application will be granted.

Abandonment

The application shows that for a 2-week period from May 12 to May 24, 1969, only 15 passengers were transported from the intersection of Third Avenue and "E" Street in Chula Vista to the Unimart Shopping Center. Only one person appeared in objection to the abandonment of such service and this witness had no knowledge of the number of passengers transported by applicant.

We find that neither public convenience nor necessity require that this service be continued and that its abandonment will not be adverse to the public interest. Applicant will be authorized to abandon this segment of its route.

Route

Applicant requests authority for an alternate route from the Port of Entry by way of Interstate Highway 5, San Ysidro Boulevard, Dairy Mart Road to North Vista Avenue. This proposed

segment is in the area in which applicant cannot provide local service, but as there was no protest, the alternate route will be authorized. Applicant also requests authority to extend service from the intersection of Beyer Way and Del Sol Boulevard along Del Sol Boulevard, Piccard Avenue, and Palm Avenue to Beyer Way, thence along the present route. This is a recently developed area and applicant alleges that the route will permit service to 3,500 people. It alleges that requests have been made for this extension as the area is building at a rapid rate.

Greyhound Lines-West has no objection to applicant's providing local service along the Palm Avenue, Piccard Avenue, Del Sol Boulevard section of the proposed route providing a proper restriction against through service between Chula Vista and San Ysidro is continued. It suggested that Exception No. 2 contained on Original Page 2A of the Appendix A to Decision No. 73865 be cancelled and that a new Exception No. 2 be inserted reading as follows:

Along Palm Avenue from Beyer Way to Piccard Avenue; along Piccard Avenue between Palm Avenue and Del Sol Boulevard; and along Del Sol Boulevard between Piccard Avenue and Del Sol Lane.

This proposed Exception was accepted by the applicant.

The fares proposed to be assessed for the service are those named in applicant's tariff on file with the Commission and all of the proposed extensions are within the present zones. Applicant does not propose an increase of operating equipment.

Findings

The Commission finds that:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the service hereinafter authorized.
2. Abandonment of service along Third Avenue from "E" Street to the Unimart Shopping Center is not adverse to the public interest.
3. There is no direct passenger stage service to a new subdivision on Palm Avenue and Piccard Avenue east of Beyer Way.
4. The service herein authorized will permit local transportation between Chula Vista or San Ysidro on the one hand, and the new subdivision along Palm Avenue and Piccard Avenue east of Beyer Way on the other hand, and will also permit a local service along said streets. Public convenience and necessity require that applicant provide such service.
5. The Commission's existing restriction against local service with the foregoing Exception, should be continued in effect.
6. Public convenience and necessity require that the revised routings and restriction as contained in the order herein be authorized and that in all other respects the application should be denied.

Conclusion

The Commission concludes that the application should be granted in part and denied in part as set forth herein.

San Diego Economy Line, 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 cancelled 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. The motion of Western Greyhound Lines-West to deny that portion of the application of San Diego Economy Line, Inc., (Application No. 51242 filed July 14, 1969) which requests the revision of subparagraph (d) on First Revised Page 2 of Appendix A to Decision No. 73865 is granted.

2. A certificate of public convenience and necessity is granted to San Diego Economy Line, Inc., a California corporation, authorizing it to operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the points and over the routes more particularly set forth in First Revised Page 2A and Second Revised Page 4 of Appendix A attached hereto and made a part hereof.

3. Appendix A of Decision No. 72433, as amended, is hereby further amended by incorporating therein First Revised Page 2A and Second Revised Page 4. The restrictions governing applicant's operations are modified as shown in First Revised Page 2A to conform with the rerouting authorized herein.

4. Applicant is admonished that any failure to follow restrictions contained in First Revised Pages 2 and 2A may result in revocation or further restriction of this authority.

5. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- 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, 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-C.
- 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 twenty days after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of NOVEMBER, 1969.

William Sproull  
President

Murray

[Signature]

James L. Stinson  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.



/NB

Appendix A  
(Dec. 72433)

SAN DIEGO ECONOMY LINE, INC.,  
(a corporation)

First Revised Page 2A  
Cancels  
Original Page 2A

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

(d) EXCEPTIONS:

This restriction SHALL NOT APPLY to  
any passenger boarding or alighting:

- (1) Along Beyer Way between Fern Avenue  
and the Otay River, both points  
inclusive; or
- \* (2) Along Palm Avenue from Beyer Way  
to Piccard Avenue, thence Piccard  
Avenue and Del Sol Boulevard to  
Del Sol Lane, all points inclusive.

Issued by California Public Utilities Commission.

\* Added by Decision No. 76453, Application No. 51242.

Appendix A  
(Dec. 72433)

SAN DIEGO ECONOMY LINES, INC.,  
(a corporation)

Second Revised Page 4  
Cancels  
First Revised Page 4

SECTION 2. ROUTE DESCRIPTIONS - Contd.

Route No. 2. College Grove - San Ysidro

Commencing at the College Grove Shopping Center located at the intersection of Ryan Road and College Boulevard in San Diego, thence along Ryan Road, College Boulevard, Broadway Avenue, Sweetwater Road, South Bay Freeway, Sweetwater Road, Bonita Road, "E" Street, Third Avenue, Beyer Way and North Vista Avenue to the International Border at San Ysidro.

Also, from Third Avenue and "H" Street, Chula Vista, thence along "H" Street, Fifth Avenue, and "I" Street to Third Avenue.

\*Also, from Beyer Way and Palm Avenue, City of San Diego, thence along Palm Avenue, Piccard Avenue and Del Sol Boulevard to Beyer Way.

\*Also, from North Vista Avenue and Dairy Mart Road, City of San Diego, thence along Dairy Mart Road, San Ysidro Boulevard and Interstate Highway 5 to the International Border at San Ysidro.

Issued by California Public Utilities Commission.

\*Added by Decision No. 76453, Application No. 51242.