

ORIGINAL

Decision No. 77699

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Derrell Bauchman, DBA O-U )  
Transit Lines, for authority )  
to re-route and extend its No. 1 )  
Route in the Ontario Area. )

Application No. 52113

(Filed August 6, 1970)

INTERIM OPINION AND ORDER

Derrell Bauchman, doing business as O-U Transit Lines, is engaged in the transportation of passengers as a passenger stage corporation between and in the vicinity of the cities of Ontario and Upland.

By this application he seeks authority, among other things, to provide service between Ontario and Upland, on the one hand, and the Ontario Motor Speedway, on the other hand. The proposed service would be operated on special-event days with scheduling of the service geared to the needs of the event. The service would be operated along the routes described in Appendix "A" hereof. Applicant has two buses available for the service.

It appears that the Ontario Motor Speedway has been constructed for the purpose of conducting automobile races and events related thereto; that the first automobile racing event is scheduled for September 1970, and that public transportation will be needed by spectators who will attend said events. It further appears that applicant has the necessary experience and ability to provide the proposed service.

There are no protestants to the granting of the application.

The Commission finds that public convenience and necessity require the establishment and operation of the proposed service between the cities of Ontario and Upland, on the one hand, and the Ontario Motor Speedway, on the other hand. In this respect the application will be granted. A public hearing thereon is not necessary.

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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Derrell Bauchman, doing business as O-U Transit Lines, authorizing him 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. 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 he accepts the certificate of public convenience and necessity herein granted, he 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 one day after the effective date of this order on not less than one day's 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 his 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 his 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 1st day of SEPTEMBER, 1970.

[Signature]  
Chairman

[Signature]

William J. [Signature]

[Signature]

Vernon L. [Signature]  
Commissioners

Appendix A

GENERAL AUTHORIZATION, ROUTES, LIMITATIONS  
AND SPECIFICATIONS

Authorization: Derrell Bauchman, doing business as O-U Transit Lines, is authorized to transport passengers between points in the Cities of Ontario and Upland, on the one hand, and the Ontario Motor Speedway in San Bernardino County, on the other hand, along the routes and subject to the limitations and specifications herein described or set forth.

Routes

Commencing at the intersection of Foothill Boulevard (U.S. 66) and Euclid Avenue, thence via Euclid Avenue, Holt Boulevard, Vineyard Avenue and "G" Street to Ontario Motor Speedway.

Alternate routes to include San Bernardino Freeway, "D" Street or "G" Street between Euclid Avenue and Ontario Motor Speedway.

Limitations and Specifications

The service herein authorized shall be operated only on a day when a special event or other public gathering is scheduled at the Ontario Motor Speedway.

All passengers shall be destined to, or originate at, the Ontario Motor Speedway.

Passengers shall not be picked up or be discharged at points along Holt Boulevard east of Euclid Avenue.

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.

When route descriptions are given in one direction they apply to operation in either direction.

(End)