

Decision No. 77889

ORIGINAL

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)

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 within the Cities of Ontario and Upland. By this application he seeks authority to make certain route and service changes within Ontario and to operate between Ontario and Upland, on the one hand, and the Ontario Motor Speedway, on the other hand. The sought authority to serve the Ontario Motor Speedway has been granted heretofore (Decision No. 77699, dated September 1, 1970). There remains to be considered the request for authority to make the route and service changes within Ontario.

The purposes of said changes are (a) to enable applicant to serve a residential district in the southern portion of Ontario which is without public transportation, and (b) to adjust applicant's service to conform more nearly to present traffic volume. Applicant states that the volume of his traffic in the south Ontario area has declined almost 50 percent in the

past several years. He proposes to reduce service over parts of his route within the area from an hourly to a two-hour basis.

Notice of the proposed changes has been posted in applicant's buses and has been served upon the Cities of Ontario and Upland, upon the County of San Bernardino and upon the Southern California Rapid Transit District. The Commission has not received any objections to the granting of the authority sought.

In the circumstances the Commission finds that the proposed route extensions and other proposed changes are required by public convenience and necessity or are otherwise justified. In these respects, the application should be granted. Public hearing thereon is not necessary.

In addition to the authority granted by Decision No. 77699, applicant's operating authority consists of that which was granted to a William L. Corbett by Decision No. 68649, dated February 24, 1965, in Application No. 47195, and which was acquired by applicant pursuant to Decision No. 75038, dated December 3, 1968, in Application No. 50527. In granting the authority sought in this matter, the order which follows will also provide for the consolidation of all of applicant's operating authorities by the revocation of said authorities and the reissuance thereof under an in-lieu certificate of public convenience and necessity in appendix form in applicant's name.

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. Derrell Bauchman, doing business as O-U Transit Lines, is hereby authorized to change and extend his routes in the south Ontario area, and to adjust his service in said area, to the extent proposed in Application No. 52113.

2. In conducting operations under the authority granted in paragraph 1 hereof, applicant shall operate, to the extent applicable, over the routes set forth in Appendix A attached hereto and made a part hereof by this reference.

3. All outstanding operating authorities heretofore granted to, or acquired by, Derrell Bauchman pursuant to Decisions Nos. 68649, 75038 and 77699 are hereby revoked. In lieu of said authorities, a new certificate of public convenience and necessity authorizing operations within and between the Cities of Ontario and Upland is hereby granted to Derrell Bauchman, said certificate being attached hereto as Appendix A and made a part hereof by this reference.

4. 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 120 days after the effective date hereof and not less than ten days prior to effecting the route changes and service adjustments authorized in paragraph 1 hereof, applicant shall post, in each of his buses, notice to the public of the route changes and service adjustments herein authorized and of the date that said route changes and service adjustments shall be made. A copy of said notice shall be filed with this Commission within five days after the date that said route changes and service adjustments are made. Applicant shall also amend his tariffs and timetables to reflect the route changes and service adjustments made pursuant to the authority herein granted.
- (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 route changes and service adjustments 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 twenty days after the date hereof.

Dated at San Francisco, California,
this 22 day of NOVEMBER, 1970.

[Signature]
Chairman
[Signature]
William Lyons Jr.
[Signature]
Vern L. Sturgeon
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. 77889,
dated November 4, 1970, of the Public Utilities Commission
of the State of California, in Application No. 52113.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Derrell Bauchman or his predecessor.

Derrell Bauchman (doing business as O-U Transit Lines), 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 points on the routes hereinafter described in the Ontario-Upland area, serving the termini and all intermediate points, 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 or required by one-way streets.
- (c) Restrictions, Limitations and Specifications applicable only to Route No. 2:

The service herein authorized on Route No. 2 shall be operated only on a day when a special event or other public gathering is scheduled at the Ontario Motor Speedway.

All passengers transported on Route No. 2 shall be destined to, or originate at, the Ontario Motor Speedway.

Passengers transported on Route No. 2 shall not be picked up or be discharged at points along Holt Boulevard east of Euclid Avenue.

Issued by California Public Utilities Commission.

Decision No. 77889, Application No. 52113.

SECTION 2. ROUTE DESCRIPTIONS

Subject to the authority of this Commission to change or modify such at any time, Derrell Bauchman, doing business as O-U Transit Lines, shall conduct said passenger stage operations over and along the following described routes:

Route No. 1 - Ontario-Upland Line

Commencing at the intersection of Belmont Street and Sultana Avenue, Ontario, thence along Sultana Avenue, Francis Street, Fern Street, Phillips Street, Vine Avenue, Mission Boulevard, Cypress Avenue, Sunkist Street, and Sultana Avenue to Belmont Street, point of beginning.

Also, commencing at the intersection of Philadelphia Avenue and Euclid Avenue, Ontario, thence via Euclid Avenue, 5th Street, Upland, Campus Avenue, 7th Street, 2nd Avenue, "A" Street, 3rd Avenue, "C" Street, 2nd Avenue, Foothill Boulevard, Campus Avenue, Arrow Highway, 11th Street, San Bernardino Road, Arrow Highway, Campus Avenue, 9th Street, 3rd Avenue, "A" Street, 2nd Avenue, 8th Street, 1st Avenue, 7th Street, Campus Avenue, 5th Street and Euclid Avenue to Philadelphia Street, point of beginning.

Also, for school service only, along Francis Avenue between Cypress Avenue and Fern Street and along San Antonio Avenue between Francis Street and Mission Boulevard, all in the City of Ontario.

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SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route No. 2 - Upland-Ontario-Ontario Motor Speedway

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.

Issued by California Public Utilities Commission.

Decision No. 77869, Application No. 52113.