

**ORIGINAL**Decision No. 7S082

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application to Transfer Operative )  
 Rights of East Los Angeles Commu- )  
 nity Improvement Association (Trans- )  
 feror) to Douglas Bus Lines, Inc. )  
 (Transferee). )

Application No. 52750  
 (Filed July 13, 1971)

O P I N I O N

East Los Angeles Community Improvement Association requests authority to transfer and Douglas Bus Lines, Inc. requests authority to acquire certain portions of a certificate of public convenience and necessity authorizing operations as a passenger stage corporation now held by East Los Angeles Community Improvement Association. The remaining portions are proposed to be cancelled.

The certificate was granted by Decision No. 73245 dated October 24, 1967, in Application No. 49648, as amended by Decisions Nos. 74060 and 75012, and authorizes the transportation of passengers between the East Los Angeles Area, on the one hand, and the Pomona, Fullerton, Douglas Aircraft Plant, Uniflex Plant, Veterans Administration Center, Veterans Administration Regional Office, Long Beach Naval Shipyard, Los Angeles International Airport, Douglas Missile and Space Systems Division, Santa Monica, Burbank, West San Fernando Valley, Van Nuys, East Pasadena, South El Monte, Flair Industrial Park, and City of Industry areas, on the other hand. Service is restricted to the transportation of employees working at locations within said industrial areas, or persons seeking employment in such areas, and is operated only at times necessary to meet employee shift changes at the industries served. The portion to be transferred is that between the East Los Angeles and the City of Industry areas.

The proposed transfer is to be made without consideration.

Applicant transferee is presently engaged as a passenger stage corporation in the transportation of persons between their homes and places of employment in the Los Angeles area. Applicant transferee proposes to adopt the tariffs, time schedules, rules and regulations presently governing the operations to be transferred.

It is alleged that applicant transferor has been providing service since November 1969 with subsidies from federal funds administered by the State of California; that such subsidies were terminated as of June 30, 1971; that applicant transferor is unable to continue service; and that applicant transferee is ready, willing and able to continue service to areas sought to be transferred without subsidy.

Copies of the application were served upon existing public carriers within the area. The only protest to the application was that of Southern California Rapid Transit District, which indicated by letter dated July 22, 1971, that following a review of the operations of applicant transferor by the District's staff, it was the staff's opinion that public convenience and necessity did not justify the transfer and that the certificate should be revoked.

The protest is not well taken. The Commission has consistently taken the position that in a transfer proceeding it would not consider a collateral attack upon a prior finding of the Commission relating to public convenience and necessity. (Ringsby-Pacific, Ltd.-Applegate Drayage Company, Decision No. 78692, dated May 18, 1971; Henry Stovall to sell to James L. Chase, 59 Cal. P.U.C. 373; Todd Freight Lines to sell to Coast Drayage, 63 Cal. P.U.C. 723; Frank Nolan Drayage Co. to sell to Motor Transport Terminals, Inc., 61 Cal. P.U.C. 160.)

After consideration the Commission finds that the proposed transfer and revocation would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before February 1, 1972, East Los Angeles Community Improvement Association may sell and transfer, and Douglas Bus Lines, Inc. may purchase and acquire, the operative rights set forth in the appendix designated as Appendix B attached hereto and made a part hereof.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser 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.

3. Purchaser shall file in triplicate tariffs and timetables, naming rates and rules governing the common carrier operations herein transferred. 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 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. Failure to comply with and observe the provisions of General Orders Nos. 79 and 98-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser 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.

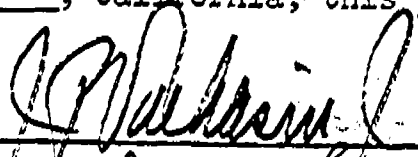
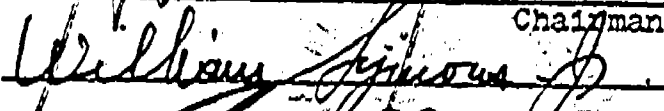

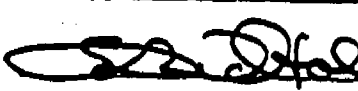
5. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate. Purchaser is placed on notice that, if it accepts such certificate, it will be required, among other things, to comply with and observe the safety rules of the California 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.

6. Purchaser 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.

7. That portion of the certificate of public convenience and necessity heretofore granted to East Los Angeles Community Improvement Association by Decision No. 73245 dated October 27, 1970 in Application No. 49648, as amended by Decisions Nos. 74060 and 75012 and not transferred under paragraph 1 hereof is hereby revoked and all effective tariffs and timetables on file with the Commission in the name of East Los Angeles Community Improvement Association are cancelled effective concurrently with the effective date of the tariffs and timetables required to be filed under paragraph 3 hereof.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of AUGUST, 1971.

  
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Chairman  
  
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Commissioners

CERTIFICATE  
of  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges applicable thereto.

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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.

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Issued under authority of Decision No. 79082, dated AUGUST  
24/16, 1971, of the Public Utilities Commission of the  
State of California, in Application No. 52750.

Section 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS AND SPECIFICATIONS

Douglas Bus Lines, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers between the East Los Angeles Area, on the one hand, and City of Industry areas and locations as hereinafter described, on the other hand, subject to the following conditions and restrictions:

- (a) Passengers shall be transported only between points within the East Los Angeles Area, on the one hand, and points within the Industrial Areas, on the other hand.
- (b) No passenger shall be transported whose origin and destination are both: (1) within the East Los Angeles Area, or (2) within any one or more of the Industrial Areas.
- (c) No passenger shall be picked up or discharged at intermediate points outside the East Los Angeles Area or the Industrial Areas.
- (d) All passengers transported shall be bona fide employees of industries located within the named Industrial Areas or persons seeking employment at such industries.
- (e) Passenger stage services shall be operated only at times necessary to meet employee shift changes at the industries served and at other times when necessary to transport persons seeking employment at said industries.
- (f) Service in the City of Industry Industrial Areas shall be restricted to those industries named in tariffs to be filed prior to establishment of service. Additional industries within said areas may be served by naming such industries in the passenger tariff and supplements thereto that may be later filed by applicant.
- (g) All buses used in the service herein authorized shall be owned or leased by the Douglas Bus Lines, Inc., and shall be maintained and insured by Douglas Bus Lines, Inc.

Issued by California Public Utilities Commission.

Decision No. 79082, Application No. 52750.

SECTION 2. DESCRIPTION OF AREAS AND LOCATIONS

(a) East Los Angeles Area

Commencing at the intersection of Olympic Boulevard and Alameda Street (Los Angeles), thence along Alameda Street, North Spring Street, North Broadway, Lincoln Park Avenue, Mission Road, Valley Boulevard to Boca Avenue, thence along an imaginary line to the San Bernardino-Long Beach Freeway interchange, thence along the Long Beach Freeway, Floral Drive to Atlantic Boulevard, thence along an imaginary line to Hammel Street and Gerhart Avenue, thence along Gerhart Avenue and Olympic Boulevard to Alameda Street.

(b) City of Industry Zone 2

Commencing at the intersection of Valley Boulevard and Temple Avenue, City of Industry, thence along Temple Avenue, Baldwin Park Boulevard, Amar Road, Vineland Avenue, Nelson Avenue, Hacienda Boulevard, Valley Boulevard, Old Valley Boulevard, Valley Boulevard, Anaheim and Puente Road, Azusa Avenue, Gale Avenue, Turnbull Canyon Road, Salt Lake Avenue, 5th Avenue, Valley Boulevard to Temple Avenue point of beginning.

(c) City of Industry Zone 3

Commencing at the Pomona Freeway and Azusa Avenue, City of Industry, thence along Azusa Avenue, Anaheim and Puente Road, Valley Boulevard, Brea Canyon Road, Union Pacific Railroad Right of Way, Lemon Avenue, Walnut Drive, Nogales Avenue, Pomona Freeway to Azusa Avenue point of beginning.

Section 3. ROUTE DESCRIPTIONS

Douglas Bus Lines, Inc., shall conduct said passenger stage operations between the East Los Angeles area and the various industrial areas and locations as herein described, over and along the most direct or appropriate route or routes.

Issued by California Public Utilities Commission.

Decision No. 79082, Application No. 52750.