

ORIGINAL

Decision No. 81S28

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of ROESCH LINES, INC. to acquire
a Certificate of Public Convenience
and Necessity, and STANLEY A. CROSS,
dba HEMET BUS LINE to transfer, pur-
suant to Section 851, et seq., of
the California Public Utilities
Code.

Application No. 54128

(Filed June 25, 1973)

O P I N I O N

Applicants seek approval by the Commission of the transfer of a passenger stage certificate granted to Stanley A. Cross (Cross) by Decision No. 69199 dated June 8, 1965 in Application No. 47505, for passenger stage service between Riverside and Hemet.

By Decision No. 81313 dated April 24, 1973 in Application No. 53566, the Commission authorized Ace Charter Coaches, Inc., dba Goldenwest Stage Lines (Ace), to acquire the passenger stage operating authority of Cross. Ace failed to complete the transfer and abandoned the operation. In order to avoid a cessation of operations, Roesch Lines, Inc. (Roesch) commenced the authorized service on May 1, 1973. A petition was filed June 8, 1973 to substitute Roesch as the transferee in Application No. 53566 and amend Decision No. 81313 to permit the substitution. On June 12, 1973, the Petition for Modification of Decision No. 81313 and amendment of Application No. 53566, was returned by the Commission with a request that a new application be filed.

Roesch has agreed to pay \$3,000 in cash for the certificate within thirty days after the granting of this application, payment to be made by Roesch to Cross of any balance still owing to Cross under the terms of the agreement of December 29, 1971,^{1/} between Cross and Ace, with the balance of the \$3,000 purchase price paid to Ace.

Roesch is willing to continue the service authorized by Decision No. 69199. The Commission's records show that Roesch is experienced in the passenger stage business.

As of December 31, 1972, Roesch had \$143,588 in current assets and \$98,620 in current liabilities.^{2/}

Applicants allege that the proposed transfer is in the public interest in that it will avoid any discontinuance of service and assure future continuation, all to the benefit of users of the service. They further allege that the granting of this application will have no significant effect upon the quality of the environment and that no Environmental Data Statement is therefore required under the provisions of Rule 17.1 of the Commission's Rules of Practice and Procedure, as amended.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Stanley A. Cross, dba Hemet Bus Line, and the issuance of a certificate to Roesch Lines, Inc. as set forth in the ensuing order.

^{1/} Exhibit "B" to Application No. 53566.

^{2/} Exhibit "A" on the herein application.

Roesch Lines, Inc. is 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. 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.

The authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

The application shows with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

O R D E R

IT IS ORDERED that:

1. On or before October 1, 1973, Stanley A. Cross, dba Hemet Bus Line, may sell and transfer, and Roesch Lines, Inc. may purchase and acquire, the operative rights and property referred to in the application.
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 amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it 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 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-Series and 98-Series. Failure to comply with and observe the provisions of General Orders Nos. 79-Series and 98-Series 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. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Roesch 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 added and set forth on First Revised Page 2, First Revised Page 3, and First Revised Page 7 in Appendix A, attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 69199, which certificate is revoked concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 101-Series.

8. 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 5th
day of SEPTEMBER, 1973.

Vernon L. Spurr
President
William Spurr
William Spurr
William Spurr
William Spurr
Commissioners

SW/ci *

Appendix A
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ROESCH LINES, INC.

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Issued by California Public Utilities Commission.

*Added by Decision No. 81828, Application No. 54128.

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

Roesch Lines, Inc. is authorized to transport persons, their baggage and express, between points specified in paragraph 5 below, and persons between points specified in paragraphs 2, 3, 4, and 6 below:

2. The Cities of San Bernardino, Riverside and Corona, on the one hand, and Anaheim Stadium, on the other hand;
3. Points in San Bernardino County as hereinafter specified, on the one hand, and Dodger Stadium (City of Los Angeles), on the other hand;
4. The City of Riverside, on the one hand, and Dodger Stadium (City of Los Angeles), on the other hand;
5. The City of San Bernardino, on the one hand, and San Bernardino mountain resorts, including Crestline, Lake Arrowhead and Big Bear Lake, on the other hand;
- *6. The City of Riverside, on the one hand, and Hemet, on the other hand, serving the termini and all intermediate points,

over and along the routes hereinafter described, subject to the conditions and restrictions hereinafter set forth.

Issued by California Public Utilities Commission.

*Added by Decision No. 81828, Application No. 54128.

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SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route 5 - San Bernardino Mountain Resorts:

Commencing at the San Bernardino Terminal, thence via city streets and State Highway 18 to Crestline; thence via county roads through Arrowhead Highlands, Pine Crest, Twin Peaks, Blue Jay and Arrowhead Village to Skyforest; thence via State Highway 18 or State Highway 30 to Big Bear City.

Alternate Route "A":

Commencing at the San Bernardino Terminal, thence via city streets and City Creek Road (State Highway 30) to its junction with State Highway 18.

Alternate Route "B":

Commencing at the San Bernardino Terminal, thence via U. S. Highway 66 - 91 to Victorville; thence via State Highway 18 to Big Bear City. This route is to be used only at times when the roads and highways of the regular route are impassable.

*Route 6 - Riverside-Hemet:

Commencing at the Riverside bus terminal at 3755 Market Street, thence along adjacent city streets, U. S. Highway No. 60, Gilman Springs Road and State Highway No. 79 via Gilman Hot Springs and San Jacinto to Hemet, and serving the community of Sunnymead (Riverside County) over available streets and highways affording access to or from U. S. Highway No. 60.

Issued by California Public Utilities Commission.

*Added by Decision No. 81828, Application No. 54128.