

ORIGINAL

Decision No. 83271

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Loren B. Joplin doing business in the name and style of SUBURBAN COMMUTER SERVICE (Formerly Consolidated Street Railways), for a Certificate of Public Convenience and Necessity to operate an alternate route to the existing passenger stage service between the City of Simi Valley and Los Angeles.

Application No. 54583

(Filed January 17, 1974;
amended February 11, 1974,
and April 25, 1974)

In the matter of the Application of Loren B. Joplin, doing business in the name and style of SUBURBAN COMMUTER SERVICE, for a restriction change along Devonshire Street in the city of Los Angeles to its present Certificate of Public Convenience and Necessity.

Application No. 54683

(Filed February 25, 1974)

Loren B. Joplin, for applicant.
Stephen T. Parry, for the
Southern California Rapid
Transit District, protestant.
Manuel Kroman, for the Department
of Public Utilities and Trans-
portation of the City of Los
Angeles, interested party.
John deBrauwere, for the Commission
staff.

O P I N I O N

A public hearing on the above applications, which were consolidated for the hearing, was held before Examiner Rogers in Los Angeles on May 16 and 17, 1974, and the matters were submitted.

Prior to the hearing all possibly interested parties, including the Department of Public Works of the State of California, were notified in writing of the hearing. The only protestant was the Southern California Rapid Transit District (hereinafter District).

General Information

By Decision No. 79595 dated January 11, 1972 in Application No. 53034, Loren B. Joplin and Robert A. Burrowes, doing business as Consolidated Street Railways, were granted a certificate of public convenience and necessity as a passenger stage corporation between the city of Simi Valley, on the one hand, and the city of Los Angeles, on the other hand, via the following route:

Commencing at the intersection of Madera Road and Aristotle Street, in the City of Simi Valley thence via Aristotle Street, Sinaloa Road, Royal Avenue, Haven Avenue, Elizondo Avenue, Sycamore Drive, Los Angeles Avenue, Kuehner Drive, Simi Valley Freeway, Topanga Road, Santa Susana Avenue, Devonshire Street, Arleta Avenue, Van Nuys Boulevard, Golden State Freeway, Hollywood Freeway, Harbor Freeway, 4th Street and Los Angeles Street to 7th Street.

No passengers are to be transported having both points of origin and destination between the intersection of Santa Susana Avenue and Chatsworth Street, on the one hand, and 7th and Los Angeles Streets, on the other hand.

By Decision No. 82116 dated November 13, 1973 in Application No. 54109, the certificate of public convenience and necessity was transferred to Loren B. Joplin. Although no official filing has been made, Joplin has changed the name of the company to Suburban Commuter Service.

By Decision No. 83098 dated July 2, 1974 and Decision No. 83156 dated July 16, 1974, both in Application No. 55003, the above-noted certificate was canceled and replaced by a new certificate authorizing Loren B. Joplin, dba Suburban Commuter Service, to operate between Simi Valley and Zuma Beach, as well as along the previously authorized route between Simi Valley and downtown Los Angeles.

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Application No. 54583

By Application No. 54583, Joplin seeks an alternate route as follows:

Commencing at the intersection of Los Angeles Avenue and Aristotle Street, thence via the existing route authorized in Decision No. 82116 to intersection of the Hollywood Freeway and Highland Avenue in the city of Los Angeles, thence via Highland Avenue, Melrose Avenue, Rossmore Avenue, Wilshire Boulevard, Grand Avenue and Sixth Street to Los Angeles Street where it follows the existing route to Seventh Street and Los Angeles Street. Return via the same route to Sixth Street and Los Angeles Street, thence via Los Angeles Street, Fifth Street and Grand Avenue to Sixth Street, thence reverse the above route to Los Angeles Avenue and Aristotle Street in the city of Simi Valley.

The applicant offered no transportation locally between Santa Susana Avenue and Chatsworth Street, on the one hand, and Seventh Street and Los Angeles Street, both points inclusive, on the other hand. Applicant's buses were to stop at all existing District bus stops on the proposed alternate route with passengers discharged only on inbound trips and picked up only on outbound.

Applicant proposed a morning schedule leaving Simi Valley at 6:15 A.M. and arriving in Los Angeles at 8:00 A.M., and a return schedule at night leaving Los Angeles at 4:40 P.M. and arriving at Simi Valley at 6:25 P.M.

Applicant presently owns and will use six 39- to 51-passenger, air-conditioned, reclining seat buses.

As of March 31, 1973, applicant valued his total assets at \$72,817, and had total liabilities in the amount of \$21,145.

Applicant's reasons for requesting the extended authority are that the city of Simi Valley, with an estimated population of 68,000, has no passenger transportation between there and the proposed Wilshire district alternate route; that the proposed service will encourage the use of public transit vehicles and tend to reduce the use of private automobiles on the freeways and other thoroughfares; that the proposed service will reduce the amount of gasoline used by private automobiles during the present fuel and energy crisis; that the proposed service will reduce the parking congestion in the Wilshire district and the central city portion of Los Angeles during business hours; that, in his opinion, the proposed service will be self-supporting; and that he has received requests for the proposed service from residents of Simi Valley.

The applicant attached to the second amendment to Application No. 54583 a petition signed by approximately 30 persons showing addresses in Simi, Westlake Village, Thousand Oaks, Moorpark, or Chatsworth requesting that the Commission grant applicant authority to provide the proposed alternate route service. The District objected to the Commission considering this petition as evidence. The Examiner sustained the objection. We take official notice of the fact there is no through passenger stage service from Simi to the Wilshire district as proposed by applicant. ✓

Application No. 54683

In this the applicant seeks to have the restriction in his present certificate amended to permit pick up and discharge of passengers along Devonshire Street between Topanga Canyon and Woodman Avenue provided they do not have both their origin and destination between such points. All services are to originate and terminate in the city of Simi Valley.

Fares proposed for any point between Woodman Avenue and Devonshire Street, on the one hand, and Seventh Street and Los Angeles Street, on the other hand, are \$1.25 one-way and \$11.25 for a 10-ride adult ticket.

The applicant testified that he has received many requests from residents in the area in the vicinity of Devonshire Street for commuter bus service to and from Los Angeles; that he now is operating over Devonshire Street with empty seats available; that the services of the District are inadequate for commuter bus travel between most areas of the San Fernando Valley and the Hollywood, Wilshire district, and downtown Los Angeles; that he will use buses with air conditioning and reclining forward-facing seats which are not available on District equipment; that he will make limited stops along Devonshire Street to and from Los Angeles; that the travel time will be one-half that of any existing District lines comparable in areas south of the Devonshire Street area; that passengers may buy all kinds of tickets on the buses; and that he has received a petition from passengers who desire this service.

The only supporting testimony presented by applicant was by two ladies who professed that they use, and would continue to use, applicant's service on Devonshire Street. It should be borne in mind that applicant's existing authority is restricted against the picking up and discharging of passengers along Devonshire Street and against any pickup or discharge of local passengers west of Woodman Avenue.

One witness stated applicant has been transporting her since the second week in April 1974 between Devonshire Street and Havenhurst Avenue, on the one hand, and downtown Los Angeles, on the other hand. Another witness boards applicant's bus at Reseda Boulevard and Devonshire Street. She said she has been using the

applicant for one and one-half years. Although these witnesses use and want the applicant's service, the applicant has been serving them in clear violation of his authority. Also, as hereinafter stated, the District is inaugurating a competing service on Devonshire Street

The District

The District presented evidence in support of its contention that it provides adequate service in the portion of Los Angeles County applicant desires authority to serve (see Exhibits 13 through 17, and 19, 20, and 21, and Map, Exhibit 12). None of these existing services are nontransfer lines, all take longer than applicant's proposed service, and none have the comfortable seats and air conditioning provided by applicant's buses. In addition, the District provides no service to and from Ventura County as presently provided by applicant and to be continued by applicant for whatever authority this Commission authorizes.

Prior to the filing by applicant for authority to pick up and/or discharge along Devonshire Street, the District had no direct service the full length thereof. After the application for such service was filed, the District commenced a competing service on Devonshire Street (Exhibit 18). The applicant filed his request for authority to pick up and discharge along Devonshire Street on February 25, 1974. On May 1, 1974, the District inaugurated service along Devonshire Street as proposed by applicant (Exhibits 1 to 18). We will not, of course, authorize service by a passenger stage corporation in direct competition to the district service as proposed by applicant.

There was evidence that on at least one occasion the applicant, in utter disregard of his authority, picked up passengers on Devonshire Street and transported them to Los Angeles

(Exhibit 22). Although this is not a complaint matter, we caution the applicant that we are not without penal power and violations of laws and/or restrictions could result in serious penalties for the applicant.

Findings

1. Applicant is a passenger stage corporation having authority from this Commission to operate between the city of Simi Valley, on the one hand, and the city of Los Angeles, on the other hand, and also between Simi Valley and Zuma Beach.

2. Applicant requests authority to transport passengers between the city of Simi Valley, on the one hand, and the city of Los Angeles, on the other hand: (1) via a new route through the Wilshire district of Los Angeles, and (2) picking up and/or discharging passengers along Devonshire Street in the city of Los Angeles, which passengers originate in or are destined to downtown Los Angeles.

3. Applicant is financially able to operate all of his proposed services and has the equipment and experience to enable him to provide all of the proposed service.

4. The District provides adequate service to, from, and between all points applicant proposes to serve along Devonshire Street.

5. The service proposed by applicant along Devonshire Street is not required by public convenience and necessity, and Application No. 54683 should be denied.

6. Public convenience and necessity require that applicant extend service between points in the Wilshire district of the city of Los Angeles, on the one hand, and points west and north of the intersection of Santa Susana Avenue on Devonshire Street, on the other hand, via the route hereinafter specified as proposed in Application No. 54583.

7. An in lieu certificate of public convenience and necessity should be issued to applicant.

8. We find with reasonable certainty that the project involved in this proceeding will not have an adverse effect on the environment.

Conclusion

We conclude that Application No. 54583 should be granted to the extent herein specified and Application No. 54683 denied.

Loren B. Joplin, doing business as Suburban Commuter Service, 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Loren B. Joplin, doing business as Suburban Commuter Service, 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 set forth in Appendix A.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 authorized service.
- (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-Series and 98-Series.

- (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.

3. The certificate of public convenience and necessity issued by Decision No. 83098, as subsequently modified by Decision No. 83156, is revoked concurrently with the effective date of the tariffs filed pursuant to the order herein.

4. In all other respects the applications are denied. ✓

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

Dated at San Francisco, California, this 6th
day of AUGUST, 1974.

Herbert L. Sturgeon
President
William J. Lyons, Jr.
William J. Lyons, Jr.
William J. Lyons, Jr.

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

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APPENDIX A

LOREN B. JOPLIN, DBA
SUBURBAN COMMUTER SERVICE

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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.

This certificate supersedes the Certificate of Public Convenience and Necessity granted to Loren B. Joplin, dba Suburban Commuter Service, by Decision No. 83098 in Application No. 55003.

Issued under authority of Decision No. **83271**
dated Aug. 6, 1974, of the Public Utilities Commission of
the State of California, in Application No. 54583.

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

Loren B. Joplin, as a sole proprietor, is authorized to operate passenger stage service for the transportation of passengers between the City of Simi Valley, on the one hand, and the City of Los Angeles and Zuma Beach, on the other hand, and certain territories intermediate and adjacent thereto, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- a. No passengers will be transported on Routes 1 and 2 with both origin and destination between the intersection of Santa Susana Road and Chatsworth Street, on the one hand, and Seventh and Los Angeles Streets, on the other hand.
- b. Passengers shall be picked up and discharged only at points and places to be named in applicant's tariffs and timetables, and situated along the route herein described.
- c. Motor vehicles may be turned at termini or at intermediate points, in either direction, and are to be operated in accordance with governing traffic regulations.
- d. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

Issued by California Public Utilities Commission.

Decision No. 83271, Application No. 54583.

SECTION 2. ROUTE DESCRIPTION.

Route 1: Simi Valley/Central Los Angeles Route

Commencing at the intersection of Madera Road and Aristotle Street, in the City of Simi Valley, then via Aristotle Street, Sinaloa Road, Royal Avenue, Haven Avenue, Elizondo Avenue, Sycamore Drive, Los Angeles Avenue, Kuehner Drive, Simi Valley Freeway, Topanga Road, Santa Susana Avenue, Devonshire Street, Arleta Avenue, Van Nuys Boulevard, Golden State Freeway, Hollywood Freeway, Harbor Freeway, 4th Street, and Los Angeles Street to the intersection of 7th Street and Los Angeles Street in the City of Los Angeles.

Route 2: Simi Valley/Los Angeles Wilshire District Route

Commencing at the intersection of Los Angeles Avenue and Aristotle Street in the City of Simi Valley, then via Aristotle Street, Sinaloa Road, Royal Avenue, Haven Avenue, Elizondo Avenue, Sycamore Drive, Los Angeles Avenue, Kuehner Drive, Simi Valley Freeway, Topanga Road, Santa Susana Avenue, Devonshire Street, Arleta Avenue, Van Nuys Boulevard, Golden State Freeway, Hollywood Freeway, Highland Avenue, Melrose Avenue, Rossmore Avenue, Wilshire Boulevard, Grand Avenue, Sixth Street, and Los Angeles Street to the intersection of 7th Street and Los Angeles Street in the City of Los Angeles.

Return via Los Angeles Street and Fifth Street to Sixth Street, then via the reverse of the above routing.

SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route 3: Simi Valley/Zuma Beach Route

Commencing at the intersection of Menlo Street and Kuehner Drive, in the City of Simi Valley, thence via Kuehner Drive, Los Angeles Avenue, Sycamore Drive, Royal Avenue, Madera Road, Olson Road, and Moorpark Road to its intersection with Janss Road, thence via Janss Road, Lynn Road, Ventura Freeway, Ven Tu Park Road, Newberry Street, Theresa Drive, Borchard Road, and Reino Road to its intersection with Potrero Road, thence via the reverse of the above to the intersection of Moorpark Road and Janss Road, thence via Moorpark Road, Thousand Oaks Boulevard, Westlake Boulevard, Agoura Road, Kanan Road, Point Dume Road, and the Pacific Coast Highway to Zuma State Beach.