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Decision No. 83367

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of) SOUTHERN CALIFORNIA COMMUTER BUS) SERVICE, INC., a corporation, for a) certificate of public convenience) and necessity for passenger stage) service between points in Orange) County, Los Angeles County, and) Ventura County, on the one hand, and) places of employment in the vicinity) of the Federal building and nearby) companies in Westwood, on the other) hand.

Application No. 54544

(Filed December 27, 1973)

Ronald Joshua Hoffman, for applicant. C. J. Holzer, for Southern California Rapid Transit District, protestant. R. W. Russell, Chief Engineer & General Manager, by K. D. Walpert, for Department of Public Utilities and Transportation, City of Los Angeles, interested party. John deBrauwere, for the Commission staff.

OPINION

Applicant, Southern California Commuter Bus Service, Inc., $\frac{1}{}$ a California corporation, seeks a certificate of public convenience and necessity, pursuant to Sections 1031 and 1032 of the California Public Utilities Code, authorizing it to establish and operate a passenger stage service by bus over regular routes between points in Orange County, Los Angeles County, and Ventura County, on the one hand, and places of employment in the vicinity of the Los Angeles Civic Center and

1/ Applicant sometimes is referred to as Com-Bus.

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the Federal Building and nearby companies in Westwood, on the other hand.^{2/} A public hearing was held before Examiner Rogers in Los Angeles on April 11 and 12, 1974, and the matter was submitted. Prior to the hearing, notice thereof was given to interested entities. The Southern California Rapid Transit District (RTD) opposed the application.

There are 16 proposed routes. These proposed routes are described in Exhibit 1. Maps of the proposed routes are marked Exhibit 2. The proposed routes are:

Westwood Routes

VA-2 VA-3 VA-4	West San Fernando Valley North San Fernando Valley North Orange County	VA-6 VA-7 VA-9	Long Beach Southwest San Fernando Valley South Central Los Angeles		
Civic Center Routes					
CC-11	Huntington Beach-Downey	CC-33	Compton-Lynwood		
CC-12	Tustin-Buena Park	CC-34	Lawndale-Hawthorne		
CC-31	San Pedro-Wilmington	CC-11	Brentwood-Westwood		
CC-32	Palos Verdes-Torrance	CC-42	Pacific Palisades-Santa Monica		
CC-21	North San Fernando Valley	CC-22	West San Fernando Valley		

The service is to be provided on a five-day-per-week basis and fares will be assessed on that basis. They will vary between \$11.50 and \$15 (Exhibit 3). There will be between three and six pickup (and discharge) stations on each route (Exhibit 4) and after the last pickup, delivery will be at the point of destination. Service is to be provided for minimum numbers of passengers. Transportation is to be limited to employees of the city, county, state, and federal governments (Exhibit 3, page 2).

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^{2/} Subsequent to the filing of this application, applicant received authority by Decision No. 83120 in Application No. 54141 to operate passenger stage service along one route between Mission Viejo and several industrial plants in the area of Los Angeles International Airport.

Applicant was incorporated for the purpose of operating passenger stage service by motor coach. It proposes to lease necessary equipment from local charter bus companies or passenger stage corporations, and to purchase equipment as required. Regular equipment will be either late model 38-passenger (or larger), air-conditioned, parlor-type reclining seat coaches, or deluxe 13- to 16-passenger commuter vans which will be used to provide service on those routes where a larger capacity bus is not required. Vans will be late models with deluxe seats, air-conditioning, stereo tape, AM/FM music system, and individual reading lights. Card tables, refreshment bar, and television will also be available upon request.

In March 1974 applicant had assets it valued at \$90,200 and liabilities of \$56,525 (Exhibit 9).

Applicant alleges that public convenience and necessity require the proposed service for the following reasons:

1. The results of a computerized survey of Los Angeles City Civic Center employees clearly defines the need for mass commuter transportation from many areas of Los Angeles, Orange, and Ventura Counties to the Civic Center area.

2. On November 5, 1973, a motion for subscription bus service was made and passed without dissent, at a meeting of Mayor Bradley's Los Angeles City Employees Transportation System Committee. The motion reads:

> "Be it recommended to the Mayor that the proposal received from COM-BUS to provide subscription bussing be accepted, and that the actions required by COM-BUS for the initiation of service be authorized."

A copy of the letter to Mayor Bradley containing the motion of his committee is set forth in Exhibit 6.

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3. On August 31, 1973, the Board of Supervisors of Los Angeles County requested that the Chief Administrative Officer investigate the possibility of a commuter bus service for county employees to reduce vehicle usage in the Civic Center. The applicant responded to a questionnaire by the CAO in which it proposed to provide a commuter service for county employees. A copy of the letter to applicant from the CAO requesting information is set forth in Exhibit 10.

4. The applicant was contacted by representatives of a committee concerning the federal government interest in a commuter bus system to serve federal employees working in the Civic Center area as well as other areas. Applicant was invited to discuss the steps required to develop, and the feasibility of a commuter bus system. On August 31, 1973, the applicant's president met with the committee to outline a commuter bus program.

5. A comprehensive study of Civic Center commuter service route and schedule requirements for Los Angeles City, and Los Angeles County, and federal employees has been conducted by the applicant at its own expense. The employees live in Orange County, Los Angeles County, and Ventura County, and they have no direct transportation between their homes and place of employment. Transportation by the RTD either is nonexistent or would require travel time or expense which would make it impractical to commute between the employees' homes and places of business. Without the proposed service the employees would be required to drive by automobile more than an hour each way on the freeways.

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6. A comprehensive study of Veterans Administration employees working in the Federal Building in Westwood was conducted by the applicant at the request of the Veterans Administration, and was based on survey data supplied by the Veterans Administration. The results of this study were the same as the results of the Civic Center study.

7. The fuel shortage, air pollution, and freeway congestion crises, all make it highly desirable to have as few automobiles on the road as possible, which would be the effect of the proposed service.

8. Recent rulings of the Environmental Protection Agency concerning disincentives for single passenger automobiles and incentives for buses and car pools will increase the need and necessity

for the proposed service.

The application was opposed by the RTD. At the time the application was filed, the RTD was, and still is, providing regular passenger stage service between central Los Angeles and most areas in Los Angeles County plus some service to San Bernardino and Orange Counties (Exhibit 11 as indicated). After applicant filed this application, the RTD contacted the city of Los Angeles. The district informed the city that it was its policy to oppose any operation that would divert existing or potential transit riders within its service area and that such an attitude was necessary to protect the concept of a multimode regional transportation system and to protect the general public from the adverse effects of a fragmentation of its transportation system. The RTD proposes to inaugurate service similar to that proposed by applicant via seven routes (see Exhibit 11) for all Los Angeles Civic Center employees (Exhibit 14). The RTD and the city have executed an agreement providing for the proposed service (Exhibit 13). The proposed fares will be comparable to those proposed by the applicant except they will be on a monthly basis rather than a weekly basis.

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Paragraph 14 of the agreement between the city and the RTD (Exhibit 13) provides:

"14. Service will be established within six weeks after approval of the proposed service routes by the District. Such service will continue until the expiration of this Agreement on such routes as meet the requirements of this Agreement for so long as the number of paid subscribers meets the minimal requirements of this Agreement."

The agreement has been executed by both the city and the district, the last necessary signature thereto having been endorsed thereon on March 20, 1974. The district's witness stated its governing board had not approved the operation, but he expected the district to commence service on June 1, 1974.

Proposed schedules are set forth on Exhibit 12. The routes are wholly in Los Angeles County. Nevertheless, the district protested applicant's Orange County service.

RTD has informed the Commission staff subsequent to the hearing that subscription commuter bus service is now being operated on several routes between the San Fernando Valley and downtown Los Angeles, and that two additional routes are in the process of being marketed and operations will commence as soon as 35 persons on each route register for the service.

Findings

1. Applicant is a California corporation organized for the purpose of providing passenger stage service.

2. Applicant has proposed the inauguration of a subscriptiontype passenger stage service for city, county, state, and federal employees bringing passengers from a few stated pickup points in Los Angeles, Ventura, and Orange Counties to their places of employment in the Civic Center or to the Federal Building in Westwood.

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3. Fares are on a weekly basis. Service will be on the basis of expedited express transportation to work and return after work. It is not to be provided for the general public, nor for any purpose other than going to and coming from work.

4. At the hearing the district's representative stipulated that if the district's proposals were placed in effect, the district would not oppose applicant's service from outside of Los Angeles County or to the Federal Building in Westwood. He affirmed he had full authority to so stipulate. Subsequent to the hearing the district repudiated the stipulation.

5. Applicant has "area coordinators" who supervise the organization and operation of buses on several routes in one general location, who in turn appoint one person, who ordinarily rides the bus, as the "bus captain" on each bus. The bus captain supervises the satisfactory operation by the driver, sees that the proper route is followed and the proper stops are made, receives passenger complaints, assigns seats, collects the weekly fare, and forwards the money to applicant.

6. In view of the arrangement set forth in Finding 5, it appears that applicant, through its area coordinators and bus captains, will exercise complete supervision, direction, and control of the operation.

7. No similar service is now provided by any other entity. The Southern California Rapid Transit District (RTD), which has a stated policy to oppose any passenger stage service in Los Angeles and Orange Counties, has received authority from the city of Los Angeles to incorporate service via nine routes in and around the city of Los Angeles on the same kind of operation proposed by the applicant. Fares will be comparable and the service will be for the same group of employees. The stops will be limited and the service will be express.

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8. The RTD has a network of local routes centering on the Los Angeles downtown area and which also serve the Civic Center area. The running times are somewhat longer on those routes than those proposed by the applicant herein and are substantially longer for the routes originating in Orange County. No such RTD network serves the Federal Building in the Westwood area.

9. The new RTD services between San Fernando Valley and the Civic Center adequately serve the existing passenger traffic requirements between the San Fernando Valley and the Civic Center.

10. The present RTD service between the Civic Center and other proposed points in Los Angeles County has not been shown to be inadequate on this record.

11. Public convenience and necessity require that the application be granted for the routes serving Westwood Federal Building, and the routes serving Civic Center which originate in Orange County (CC-11 Huntington Beach-Downey and CC-12 Tustin-Buena Park).

12. Applicant should execute a charter agreement for the buses and drivers, providing for the specific time and operations between points, to assure reliability of service and to clearly indicate that applicant has control of the operation.

13. We find with reasonable certainty that the granting of the application will not have an adverse effect on the environment. <u>Conclusion</u>

We conclude that the application should be granted to the extent set forth in the findings above. The rest of the application should be denied, without prejudice to a petition to reopen the proceeding should applicant have further evidence to present as to adequacy of RTD service to Civic Center. For convenience we will revoke applicant's current authority and issue a new certificate stating all of applicant's operating authority.

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Southern California Commuter Bus Service, Inc., a corporation, 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.

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IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Southern California Commuter Bus Service, Inc., a corporation, 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 Foures set forth in Appendix A attached hereto and made a part hereof.

In all other respects the application is denied, without prejudice to a petition by applicant to reopen the proceeding should applicant have further evidence to present as to adequacy of RTD service to Civic Center.

2. The certificate of public convenience and necessity granted by Decision No. 83120 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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3. 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 it accepts the certificate it 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.

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(e) Applicant 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 shall be twenty days after the date hereof.

	Dated at	San Francisco	, California,
this	27th	day of A	UGUS T , 1974.
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		5004	Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent. did not participate in the disposition of this procooding.



Appendix A

SOUTHERN CALIFORNIA COMMUTER BUS Original Page 1 SERVICE, INC.

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 Southern California Commuter Bus Service, Inc., by Decision No. 83120 in Application No. 54141.

83367 Issued under authority of Decision No. dated AUC 2 ? 1974 , of the Public Utilities Commission of the State of California, on Application No. 54544. dated

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SOUTHERN CALIFORNIA COMMUTER BUS SERVICE, INC.

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

Southern California Commuter Bus Service, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between:

1. The Cities of Mission Viejo, El Toro, Huntington Beach, Fountain Valley, Westminster, Garden Grove, Seal Beach, and Long Beach, on the one hand, and TRW Systems Group, Inc. at Redondo Beach, Federal Aviation Administration at Hawthorne, Xerox Corporation, McDonnell-Douglas Astrophysics facilities, Hughes El Segundo facilities and Hughes Airport facilities at El Segundo, and Fairchild Industries at Manhattan Beach, on the other hand, over and along the route hereinafter described, subject to the following provision:

> (a) All transportation of passengers shall be limited to employees of TRW Systems Group, Inc., Federal Aviation Administration, Xerox Corp., Fairchild Industries, Inc., McDonnell-Douglas Astrophysics facilities, Hughes El Segundo Facilities, and Hughes Airport Facilities.

2. Certain points in Los Angeles, Ventura, and Orange County, on the one hand, and the Los Angeles Civic Center and the Federal Building in Westwood, on the other hand, over and along the routes hereinafter described subject to the following provisions:

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(a) Route shall be run for a minimum of 30 passengers using a 38 (or greater) passenger bus, and for a minimum for 10 passengers, including the driver, using a 13-passenger (or greater) minibus.

- (b) Transportation is limited to the employees of the City, County, State, and Federal government agencies working in the Los Angeles Civic Center Area for routes CC #11 and 12, and to employees of the Federal government working in the Federal buildings in Westwood for routes VA #2, 3, 4, 6, 7, and 9.
- (c) Weekly charge is for five round trips per week; if there is a recognized holiday given by the company or agency, the weekly charge will be prorated.
- (d) Availability of a seat will depend upon advance reservation.
- (e) If more than one bus is required to service any particular route, each of the buses on that route may eliminate one or more of the stops along that route so that more direct service may be provided to the passengers, provided, however, that all stops shall be serviced by at least one bus.

Motor vehicles may be turned at termini and 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 unless otherwise indicated.

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SECTION 2. ROUTE DESCRIPTION.

<u>Route No. 1 Mission Viejo - LAX Area Industries</u>

Commencing at OSO Parkway and Goleta Drive (Golf Club), Mission Viejo (1); thence west on OSO Parkway, north on San Diego Freeway, north on La Paz Road to Muirlands Boulevard, Mission Viejo (2); south on Muirlands Boulevard, north on San Diego Freeway, east on El Toro Road to Bridger Road, El Toro (3); west on El Toro Road, north on San Diego Freeway to Culver Boulevard, Irvine (4); north on San Diego Freeway, south on Brookhurst to Adams Avenue, Huntington Beach (5); north on Brookhurst to Warner Avenue (6); west on Warner Avenue, north on San Diego Freeway to Westminster (7); west on San Diego Freeway to Valley View, north on Valley View to Cerulean (8); north on Valley View, west on Lampson, north on Seal Beach Boulevard to Rossmoor Shopping Center, Seal Beach (9); south on Seal Beach Boulevard, north on San Diego Freeway to Bellflower Boulevard (10); north on San Diego Freeway, north on Inglewood Avenue, west on Compton Boulevard to Aviation Boulevard where passengers are discharged; north on Aviation to Rosecrans Boulevard where passengers are discharged; north on Aviation to Alaska Avenue where passengers are discharged; then north on Aviation, west on El Segundo Boulevard to the McDonnel-Douglas Astrophysics Facility and the various Hughes El Segundo Facilities and Hughes Airport Facilities in the area bounded by the south side of El Segundo Boulevard, the east side of Sepulveda Boulevard, the north side of Imperial Highway and the east side of La Cienega Boulevard. Return by reverse of the above route.

Numbers indicate locations set forth below where passengers are picked up or discharged.

STOPS

No.

- 1. OSO Parkway and Goleta Drive (Golf Club), Mission Viejo
- La Paz Road and Muirlands Boulevard, Mission Viejo 2.
- El Toro Road and Bridger Road, El Toro 3.
- Culver Boulevard and San Diego Freeway, Huntington Beach 4.
- 5. Brookhurst and Adams, Huntington Beach
- Warner and Brookhurst
- 7. 8. Westminster and San Diego Freeway
- Valley View and Cerulean, Garden Grove
- Seal Beach Boulevard at Rossmoor Shopping Center, Seal Beach 9.
- Bellflower Boulevard and San Diego Freeway, Long Beach 10.

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Route VA #2 - WEST SAN FERNANDO VALLEY - WESTWOOD

Commencing at Fallbrook Avenue and Victory Boulevard (CANOGA PARK); then east on Victory Boulevard, south on Topanga Boulevard to Ventura Boulevard (WOODLAND HILLS) where passengers are to be picked up; then east on Ventura Freeway to Reseda Boulevard, north on Reseda Boulevard to Burbank Boulevard (TARZANA) where passengers are to be picked up; then east on Burbank Boulevard to Balboa Boulevard (ENCINO) where passengers are to be picked up; then east on Burbank Boulevard to Sepulveda Boulevard, south to San Diego Freeway, south to Wilshire Boulevard (WESTWOOD), east to Federal Building (Veteran's Administration and other Federal employees) where passengers are to be discharged; and return.

Route VA #3 - NORTH SAN FERNANDO VALLEY - WESTWOOD

COmmencing at Devonshire Street and Canoga Avenue (CHATSWORTH); then east on Devonshire Street to Reseda Boulevard (NORTHRIDCE) where passengers are to be picked up; then south on Reseda Boulevard to Roscoe Boulevard (RESEDA) where passengers are to be picked up; then east on Roscoe Boulevard to Sepulveda Boulevard (SEPULVEDA) where passengers are to be picked up; then south on Sepulveda Boulevard to Hatteras Boulevard (VAN NUYS) where passengers are to be picked up; then south on Sepulveda Boulevard to San Diego Freeway, south to Wilshire Boulevard (WESTWOOD), east to the Federal Building (Veteran's Administration and other Federal employees) where passengers are to be discharged; and return.

Route VA #4 - NORTH ORANGE COUNTY - WESTWOOD

Commencing at 17th Street and Newport Freeway (TUSTIN); then north on Newport Freeway to Lincoln Avenue (ORANGE) where passengers are to be picked up; then north on Newport Freeway, west on Riverside Freeway to Harbor Boulevard (FULLERTON) where passengers are to be picked up; then west on Riverside Freeway, west on Artesia Freeway to Valley View Street (BUENA PARK) where passengers are to be picked up; then west on Artesia Freeway, west on Artesia Boulevard, north on San Diego Freeway to Wilshire Boulevard (WESTWOOD), east on Wilshire Boulevard to the Federal Building (Veteran's Administration and other Federal employees) where passengers are to be discharged; and return.

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Route VA #6 - MISSION VIEJO/HUNTINGTON BEACH/LONG BEACH - WESTWOOD

Commencing at Oso Parkway and San Diego Freeway (MISSION VIEJO); then north on San Diego Freeway stopping at Culver Drive (IRVINE), Brookhurst Street (FOUNTAIN VALLEY), Westminster Avenue (WESTMINSTER), and Bellflower Boulevard (LONG BEACH) where passengers are to be picked up; then north on San Diego Freeway to Wilshire Boulevard (WESTWOOD), east on Wilshire Boulevard to the Federal Building (Veteran's Administration and other Federal employees) where passengers are to be discharged; and return.

Route VA #7 - SOUTHWEST SAN FERNANDO VALLEY - WESTWOOD

Commencing at Westlake Boulevard and Ventura Freeway (THOUSAND OAKS); then south on Ventura Freeway stopping at Las Virgenes Canyon Road (AGOURA), Topanga Canyon Road (WOODLAND HILLS), Reseda Boulevard (TARZANA), and Balboa Boulevard (ENCINO) where passengers are to be picked up; then south on Ventura Freeway, south on San Diego Freeway to Wilshire Boulevard (WESTWOOD), east on Wilshire Boulevard to Federal Building (Veteran's Administration and other Federal employees) where passengers are to be discharged; and return.

Route VA #9 - SOUTH CENTRAL LOS ANGELES - WESTWOOD

Commencing at Long Beach Boulevard and Firestone Boulevard (SOUTH GATE); then north on Long Beach Boulevard, north on Pacific Boulevard to Slauson Avenue (HUNTINGTON PARK) where passengers are to be picked up; then west on Slauson Avenue to Western Avenue (HYDE PARK) where passengers are to be picked up; then west on Slauson Avenue to La Brea Avenue (INGLEWOOD) where passengers are to be picked up; then west on Slauson Avenue to San Diego Freeway, north to Wilshire Boulevard (WESTWOOD), east to the Federal Building (Veteran's Administration and other Federal employees) where passengers are to be discharged; and return.

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Route CC #11 - HUNTINGTON BEACH/DOWNEY - CIVIC CENTER

Commencing at Brookhurst Street and Adams Avenue (HUNTINGTON BEACH); then north on Brookhurst Avenue to Warner Avenue (FOUNTAIN VALLEY) where passengers are to be picked up; then west on Warner Avenue, north on San Diego Freeway to Westminster Boulevard (WESTMINSTER) where passengers are to be picked up; then north on San Diego Freeway, north on 605 Freeway to Cerritos Avenue (CERRITOS) where passengers are to be picked up; then north on 605 Freeway to Rosecrans Avenue (NORWALK) where passengers are to be picked up; then north on 605 Freeway, north on Santa Ana Freeway to Lakewood Boulevard (DOWNEY) where passengers are to be picked up; then north on Santa Ana Freeway to Los Angeles Civic Center where passengers are to be discharged; and return.

Route CC #12 - TUSTIN/BUENA PARK - CIVIC CENTER

Commencing at 17th Street and Newport Freeway (TUSTIN); then north on Newport Freeway, west on Garden Grove Freeway, north on Santa Ana Freeway; stopping at Katella Avenue (ANAHEIM), Lincoln Avenue (ANAHEIM), and Orangethorpe Avenue (BUENA PARK) where passengers are to be picked up; then continuing north on Santa Ana Freeway to Los Angeles Civic Center where passengers are to be discharged; and return.

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