

Decision No. 87849 SEP 13 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CARL RODGERS and JOHN MOONEY, a copartnership, dba "SPORT OF KINGS" Lines for authority to transfer permits and certificates to operate passenger stage service between various points and race tracks in the Southern California area.	)	
	)	
	)	Application No. 57274
	)	(Filed May 3, 1977)
	)	
	)	

O P I N I O N

By Decision No. 83527 in Application No. 54853 as amended by Decision No. 85028 in Application No. 55273, Carl Rodgers and John Mooney, a copartnership, doing business as "Sport of Kings" Lines, was issued a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-955) for the purpose of transporting race track employees and their baggage between race tracks in Los Angeles and Orange Counties and Del Mar Race Track.

By Application No. 57274 authority is sought to dissolve the "Sport of Kings" partnership and to divide and transfer the respective routes of the passenger stage certificate to Carl Rodgers and John Mooney as individuals. In this application applicants have attached an "Agreement of Transfer" which stipulates to the specific division of said operating authority. The agreement involves no sale or monetary transaction and, according to counsel for applicants, the division is considered to be an equal division of the existing routes. Applicants have also submitted a signed statement jointly assuming any debts accruing during the existence of the copartnership.

The application was listed on the Commission's Daily Calendar of May 5, 1977. The Commission's Transportation Division staff has reviewed the application and recommends that in the

A. 57274 VVB\*

absence of protest or request for public hearing it be granted by ex parte order. No protest or request for hearing has been received. A public hearing is not necessary.

Applicants have clarified an unintentional error in the formal application. Page 2 of Exhibit 3 proposes transfer of Route 5 ✓ "Commencing from Hollywood Park". Whereas Route 5 actually begins from Los Alamitos Race Track, Appendix B to this decision will reflect the proper origin point. The Commission staff, moreover, has made certain minor changes in the respective certificates, hereinafter attached as Appendices A and B, to correct inaccuracies in the original certificate and to clarify unclear route descriptions for use by the proposed transferees.

In two instances, the routes sought for authorization by transferees may suggest that duplicate authorities or new authority will be created. For instance, Route 1 as presently authorized for use by the partnership allows operations between Santa Anita and Hollywood Park and both transferees are seeking the service of Route 1. Because the race tracks at Santa Anita and Hollywood Park are never open concurrently, the direction of Route 1's actual movement depends on the open track serving as destination. Hence, the partnership's authority has been exercised from Santa Anita to Hollywood Park and return during the Hollywood Park track season and from Hollywood Park to Santa Anita and return during the Santa Anita season. The transfer sought will divide Route 1's application and will authorize the Santa Anita to Hollywood Park (and return) portion of Route 1 for use by Carl Rodgers, and the Hollywood Park to Santa Anita (and return) portion of Route 1 for use by John Mooney. Thus, because of the staggered open track schedules and appropriate route restrictions, the divided Route 1, as described in Appendices A and B to this decision, will not allow duplication of the same service by transferees.

The transfer application similarly seeks the service of points identified as Alternate Routes 4 and 5 by the partnership. As sought in the transfer application, the points affected--Santa Anita to Pomona and return--will be serviced by Carl Rodgers through a separate route rather than an extension of an existing route. Since no new points will be served by applicants under the proposed transfer and since Mr. Rodgers is otherwise assuming all operations commencing at Santa Anita, the creation of the separate route 4A/5A does not constitute new authority and, under the circumstances, should be authorized.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Carl Rodgers and John Mooney, doing business as "Sport of Kings" Lines, and the issuance of separate certificates in appendix form to Carl Rodgers, doing business as Rodgers Stage Coach Lines, and to John Mooney, doing business as "Sport of Kings" Lines.

Transferees are 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 holders 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. On or before December 1, 1977, Carl Rodgers and John Mooney a partnership doing business as "Sport of Kings" Lines, may transfer

the operative rights referred to in the application to Carl Rodgers, an individual doing business as Rodgers Stage Coach Lines, and John Mooney, an individual doing business as "Sports of Kings" Lines.

2. Within thirty days after the transfer, the transferees shall file with the Commission written acceptance of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity respectively granted, they 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.

3. Within one hundred twenty days after the effective date hereof, applicants shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office. The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of 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 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. In the event the division and transfer authorized in paragraph 1 are completed, effective concurrently with the effective date of the tariff and timetable filings required by paragraph 3, separate certificates of public convenience and necessity are granted to Carl Rodgers, doing business as Rodgers Stage Coach Lines, and to John Mooney, doing business as "Sport of Kings" Lines, authorizing them 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 Appendices A and B, attached

hereto and made a part hereof.

5. Appendix A of Decision No. 23527, as amended by Decision No. 25022, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Transferees shall maintain their 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 their 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 13th day of SEPTEMBER, 1977.

Robert Bateman  
President  
William Lyons Jr.  
Vernon L. Stinger  
Richard D. Howell  
Walter L. Delia  
Commissioners

Carl Rodgers  
dba  
RODGERS STAGE COACH LINES

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

No. 1022  
\_\_\_\_\_

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.  
  
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Issued under authority of Decision No. 87849  
dated SEP 13 1977 of the Public Utilities Commission of  
the State of California, on Application No. 57274.

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

The certificate hereinafter noted, concurrent with Appendix B of the below-referenced decision, supersedes all operative authority heretofore granted to Carl Rodgers and John Mooney, a partnership, doing business as "Sport of Kings" Lines.

Carl Rodgers, an individual, doing business as Rodgers Stage Coach 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 Santa Anita Race Track, on the one hand, and Hollywood Park Race Track, Los Alamitos Race Track, Los Angeles County Fair Race Track at Pomona and Del Mar Race Track, on the other hand, 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) Service is limited to employees of race tracks in the Southern California area.

(b) Passengers shall be transported only between race tracks.

(c) Service will be operated at times necessary to meet the needs of those employees based upon the opening and closing time of the applicable track.

(d) 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.

(e) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

## SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - From Santa Anita to Hollywood Park and Return.

Commencing from Santa Anita Race Track over the most appropriate and convenient streets to west on Interstate Highway 10 (San Bernardino Freeway), south on Interstate Route 5 (Golden State Freeway), west on Santa Monica Freeway, south on State Highway 11 (Harbor Freeway), thence over the most appropriate and convenient streets to Hollywood Park. Return via reverse of the going route. This route may be operated during the open-track season at Hollywood Park Race Track.

Route 3 - From Santa Anita to Los Alamitos and Return.

Commencing from Santa Anita Race Track, over the most appropriate and convenient streets to east on Interstate Highway 10 (San Bernardino Freeway), south on Interstate Highway 605 (San Gabriel River Freeway), thence over the most appropriate and convenient streets to Los Alamitos Race Track. Reverse direction to Santa Anita Race Track.

Route 4A/5A - From Santa Anita to Pomona and Return.

Commencing from Santa Anita Race Track, over the most appropriate and convenient streets to east on Interstate Highway 10 (San Bernardino Freeway), thence over the most appropriate and convenient streets in Pomona to the Race Track located in the Los Angeles County Fairgrounds.

Issued by California Public Utilities Commission.

Decision No. 87849, Application No. 57274.

SECTION 2. ROUTE DESCRIPTIONS.

Route 6 - From Santa Anita to Del Mar Race Track and Return.

Commencing from Santa Anita Race Track, thence over the most appropriate and convenient streets to east on Interstate Route 210 (Foothill Freeway), south on Interstate Route 605 (San Gabriel River Freeway), east on Katella Avenue to Los Alamitos Race Track parking lot; return to and east along Katella Avenue, south on Valley View Street, south on Interstate Highway 405 (San Diego Freeway), Interstate Highway 5, and over the most appropriate and convenient streets and roads to the Del Mar Race Track.

(END OF APPENDIX A)

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

No. 955

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

The certificate hereinafter noted, concurrent with Appendix A of the below-referenced decision, supersedes all operative authority heretofore granted to Carl Rodgers and John Mooney, a partnership, doing business as "Sport of Kings" Lines.

John Mooney, an individual, doing business as "Sport of Kings" 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 Hollywood Park Race Track, on the one hand, and Santa Anita Race Track, Los Alamitos Race Track, Los Angeles County Fair Race Track at Pomona, and Del Mar Race Track, on the other hand, and between Los Alamitos, on the one hand, and Los Angeles County Fair Race Track at Pomona, on the other hand, 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) Service is limited to employees of race tracks in the Southern California area.

(b) Passengers shall be transported only between race tracks.

(c) Service will be operated at times necessary to meet the needs of those employees based upon the opening and closing time of the applicable track.

(d) 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.

(e) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

## SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - From Hollywood Park to Santa Anita and Return.

Commencing from Hollywood Park Race Track, over the most appropriate and convenient streets to north on State Highway 11 (Harbor Freeway), east on Interstate Route 10 (Santa Monica Freeway), north on Interstate Route 5 (Golden State Freeway), east on Interstate Route 10 (San Bernardino Freeway), and over the most appropriate and convenient streets to Santa Anita Race Track. Return via reverse of the going route. This route may only be operated during the open-track season at Santa Anita Race Track.

Route 2 - Between Los Alamitos and Hollywood Park.

Commencing from Los Alamitos Race Track, over the most appropriate and convenient streets to south on Interstate Highway 605 (San Gabriel River Freeway), northwest on Interstate Highway 405 (San Diego Freeway), thence traversing over the most appropriate and convenient streets to Hollywood Park. Reverse direction to Los Alamitos Race Track.

Route 4 - From Hollywood Park to Pomona and Return.

Commencing from Hollywood Park, over the most appropriate and convenient streets to north on State Highway 11 (Harbor Freeway), east on Interstate Route 10 (Santa Monica Freeway), north on Interstate Route 5 (Golden State Freeway), east on Interstate Route 10 (San Bernardino Freeway), thence over the most appropriate and convenient streets in Pomona to the race track located on the Los Angeles County Fair Grounds.

Route 5 - From Los Alamitos to Pomona and Return.

Commencing from Los Alamitos Race Track, over the most appropriate and convenient streets to north on Interstate Highway 605 (San Gabriel River Freeway), east on Interstate Highway 10 (San Bernardino Freeway), thence over the most appropriate and convenient streets in Pomona to the race track located on the Los Angeles County Fair Grounds.

Route 7 - From Hollywood Park to Del Mar Race Track and Return.

Commencing from Hollywood Park, over the most appropriate and convenient streets to south on Interstate Route 405 (San Diego Freeway), south on Interstate Highway 5 (Golden State Freeway), and over the most appropriate and convenient streets and roads to the Del Mar Race Track.

Alternate Route

Carrier while en route to Del Mar Race Track may leave Interstate Highway 405 (San Diego Freeway) and travel south along Interstate Route 605 (San Gabriel Freeway), east along Katella Avenue to Los Alamitos Race Track parking lot, return to and along Katella Avenue, Valley View Street, Interstate Route 405 (San Diego Freeway), Interstate Route 5 (Golden State Freeway), and over the most appropriate and convenient streets and roads to the Del Mar Race Track.

(END OF APPENDIX B)