

Decision No. 91389 MAR 4 1980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )	
of COMMUTER BUS LINES, INC. for )	
authority to extend its <u>Santa</u> )	Application No. 59253
<u>Anita Race Track</u> service to )	(Filed November 2, 1979)
include <u>Santa Ana</u> , et al. )	

O P I N I O N

By this application, Douglas Bus Lines, Inc., doing business as Commuter Bus Lines, seeks authority to extend its passenger stage service. Applicant currently holds a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation (PSC 453) authorizing it to transport passengers between their homes and places of employment and between certain race tracks located in Orange and Los Angeles Counties and points and places in Orange and Los Angeles Counties.

Applicant proposes to provide service between Seal Beach Leisure World, Santa Ana, Anaheim, Buena Park, Norwalk, on the one hand, and Santa Anita Park Race Track, on the other hand.

Applicant alleges that:

- (1) Southern California Rapid Transit District (SCRTD) has been operating the service for years but has discontinued the service. Applicant believes that SCRTD has failed because of the high fares and its circuitous routing.
- (2) "Tax subsidies available or likely to become available for transit are inadequate to provide for all of the public transportation services that are demanded, resulting in the need for private enterprise to assist in meeting this demand."
- (3) "That applicant has the ability, and can make available the necessary equipment and facilities to render the service herein proposed."

The application was listed on the Commission's Daily Calendar of November 5, 1979. Copies of the Application were served on Southern California Rapid Transit District, Orange County and Los Angeles Turf Club. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protests or request for public hearing, it be granted by ex parte order. No protest or request for hearing has been received.

After consideration we find that public convenience and necessity require granting of the application and with reasonable certainty find that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not necessary.

Douglas Bus 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Douglas Bus Lines, Inc., a corporation, authorizing it to extend operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Seal Beach Leisure World, Santa Ana, Anaheim, Buena Park, Norwalk, on the one hand, and Santa Anita Park Race Track, on the other hand.
2. Appendix H of Decision 89209 is amended by incorporating Original Page 3 and First Revised Page 2, attached hereto, in revision of Original Page 2.

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 administered by 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 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 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 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.

A. 59253 - PWL

The effective date of this order shall be the date hereof, since there is no one providing the service and the racing season is now in progress.

Dated MAR 4 1980, at San Francisco, California.

John E. Suron  
President  
Joseph L. Stinson  
Charles W. Shuck  
Richard W. Smith  
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

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

Douglas Bus Lines, Inc., doing business as Commuter Bus Lines, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers (1) from any point within the San Bernardino-Riverside Service Area and from points over and along <sup>\*</sup>Route 1 named in Section 3 to Santa Anita Race Track and return, and (2) from any point within the Los Angeles-Irvine Service Area to any point within the Irvine Industrial Area and return, subject to the following conditions and restrictions:

- (a) Current timetables shall be filed with the Commission to show stops and service in effect at any time. Timetable filings shall clearly delineate any changes in bus stops, changes in scheduled departure times, or suspension of service.
- (b) Service from Los Angeles-Irvine Service Area to Irvine Industrial Area and return shall be established upon the prior reservation and payment of 30 weekly fares per bus.
- (c) Service from Los Angeles-Irvine Service Area to Irvine Industrial Area and return may be discontinued when the average passenger load for four consecutive weeks is fewer than 20 weekly fares per bus.
- (d) All passengers from Los Angeles-Irvine Service Area to Irvine Industrial Area and return shall be commuters traveling to or from work or job applicants seeking work within the Irvine Industrial Area.
- (e) Weekly round-trip transportation from Los Angeles-Irvine Industrial Area is based on a five-day work week.
- (f) Service from San Bernardino-Riverside Service Area and over <sup>\*</sup>Route 1 to Santa Anita Race Track and return may be operated on racing days only.

Issued by California Public Utilities Commission.

\*Added by Decision No. 91389, Application No. 59253.

SECTION 3. ROUTE DESCRIPTION

Route 1 - Seal Beach-Santa Anita Park Race Track

Commencing from the main gate of Seal Beach Leisure World, located on Seal Beach Boulevard, thence along Seal Beach Boulevard, San Diego Freeway, Main Street (Santa Ana), First Street, Sycamore Street, 17th Street, Main Street, Santa Ana Freeway, Katella Avenue, Katella Way (Anaheim - Disneyland Depot), Katella Avenue, Santa Ana Freeway, Manchester Boulevard (Buena Park), Santa Ana Freeway, Firestone Boulevard (Norwalk), San Antonio Boulevard, Santa Ana Freeway, San Gabriel River Freeway, Foothill Freeway, Santa Anita Avenue, Santa Clara Street and Huntington Drive to the Santa Park Race Track.  
Return in the reverse direction.

Issued by California Public Utilities Commission.

Decision No. 91389, Application No. 59253.