

ORIGINAL

Decision No. 91818 MAY 20 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of )  
Campeinos Unidos, Inc. for )  
certificate of public convenience )  
and necessity to operate passengers )  
and personal property incidental to )  
the transportation of passengers. )  
Service between Niland, California )  
and El Centro, California with stops )  
in the following intermediate points: )  
Calipatria, Westmorland, Brawley, )  
Imperial Valley College, Imperial, )  
and El Centro. )

Application No. 59024  
(Filed July 26, 1979)

Joseph W. Zimmerman, Jr., Attorney at Law, for applicant.  
Anthony P. Carr, Attorney at Law, for Greyhound Lines, Inc., protestant.  
Nan Timmons, for Imperial Valley Coordinated Housing Authorities, and C. C. Irwin, for Niland Chamber of Commerce, interested parties.  
William Austin, for the Commission staff.

OPINION AND ORDER

Campeinos Unidos, Inc. (CUI), a California nonprofit corporation, seeks a certificate of public convenience and necessity, pursuant to Sections 1031-1038 of the Public Utilities Code, authorizing it to transport passengers between Niland and El Centro and intermediate points. Service would commence in Niland, thence to Calipatria, Westmorland, Brawley, Imperial Valley College (IVC), Imperial, terminating in El Centro. Return would be via the reverse route to the point of beginning.

Greyhound Lines, Inc. (Greyhound) opposed the application as filed and a duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Brawley, California on January 29 and 30, 1980.

This application covers phase one of a two-phase Rural Highway Transportation Demonstration Project funded at \$200,000 by the U. S. Department of Transportation. An agreement encumbering the funds was executed between CUI and the California Department of Transportation on March 5, 1980. Phase one consists of the purchase of one vehicle equipped with a hydraulic lift and wheelchair tie-downs to transport passengers over the fixed route described above, including service to IVC. In the event that phase one is operating successfully in nine months, phase two will be inaugurated, consisting of the purchase of three additional vehicles and application to the Commission for expanded service to Holtville, Seeley, Heber, and Calexico.

At the hearing, a number of persons and entities supported the CUI application.

Nan Timmons, employed by the Imperial Valley Coordinated Housing Authorities, testified that senior citizens in the eight low-rent housing developments with which she was familiar needed additional public transportation service to Brawley, the location of her office. She estimated that 50 percent of her clients are handicapped.

Barbara Filner, employed by the Southwest Border Regional Commission, testified that inadequate public transportation in the area for which CUI seeks to be certificated is a major deficiency contributing to other problems. Studies show that low-cost demonstration mass transit services should be implemented. Without frequent, regular, economical access to public transportation, people are locked into rural isolation unable even to find out about job opportunities, training programs, and other economic information available at larger metropolitan centers. Belief was expressed that there is room for both traditional commercial carriers and for smaller, innovative systems such as that proposed by CUI.

Jerry Santillan testified that Imperial County has 3,800 families below the poverty level guidelines, that many of those reside in Brawley, and that additional public transportation service is needed by them and by the entire general public in the area.

Ramon Arce, speaking with the assistance of a volunteer interpreter, Jerry Guana, testified that additional public transportation was needed to serve IVC.

Jerry Guana, a taxi operator in Brawley, echoed the sentiments of Mr. Arce.

Melvin Wendrick, IVC administrator, testified that some 200 physically handicapped students required better transportation services to IVC.

Frances Brittain, a professional tutor at IVC, testified that she and others similarly situated had need for improved transportation services in the area sought to be served by CUI.

Paul Hansen testified that blind persons in the area needed better transportation services.

Refugio Gonzales testified from his wheelchair that the hydraulic lift and tie-downs on the CUI bus would serve a need of the handicapped.

Ruben Gomez, dean of the external campus of IVC, supported the application on behalf of the 6,000 students enrolled at IVC.

Nadine Hale, City Clerk of Westmorland, testified that the City Council endorsed the application of CUI by resolution.

Mike La Bare, an IVC student, testified that he had difficulty attending classes because of inadequate transportation.

Others attending the hearing to endorse the CUI application were Catherine Redman, Mark Williams, Dolores Virgil, Elaine Stodelle, Angelina Garcia, and Esteben Cristobal.

Clyde C. Irwin, appearing on behalf of the Niland Chamber of Commerce, testified in opposition to the CUI application on the ground that it would lead to reductions in existing service by Greyhound.

As Greyhound presently offers no service to IVC nor wheelchair access to its buses, it does not oppose those aspects of the application of CUI. Greyhound opposes only the proposed service to those intermediate points which it serves.

CUI argues that the intermediate point service is necessary to assist the generation of revenue to make the demonstration project a viable service and that its federal funding is predicated upon the total service package presented in its application.

There is no evidence that the proposed additional service will increase or decrease Greyhound patronage. CUI's financing and financial projections for the demonstration period are reasonable.

#### Findings of Fact

1. CUI possesses the ability, experience, and financial resources to perform the proposed service.
2. There is public demand for CUI's proposed service.
3. Competition between CUI and Greyhound, to the extent it will exist, will have a beneficial effect for the public and will promote good service.
4. The diversion of passengers from Greyhound to CUI, as a result of granting the requested certification, should be minimal.
5. Public convenience and necessity require that the service proposed by CUI be certificated.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

#### Conclusions of Law

1. The Commission concludes that the application should be granted as set forth in the ensuing order.
2. The following order should be effective on the date of signature since there is a demonstrated present need for applicant's service.

Campeños Unidos, 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 over a particular route. 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.


IT IS ORDERED that:


1. A certificate of public convenience and necessity is granted to Campeños Unidos, Inc., a California nonprofit corporation, authorizing it to operate a passenger stage service, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so 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 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 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 MAY 20 1937, at San Francisco, California.

  
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President

  
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Commissioner

  
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Appendix A

CAMPESINOS UNIDOS, INC.

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC - 1112

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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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Issued under authority of Decision No. **91818**  
dated MAY 20 1960, of the Public Utilities Commission  
of the State of California, in Application No. 59024.

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

Campeñinos Unidos, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to act as a passenger stage corporation to transport passengers and their attendant baggage between a terminal each in the cities of Niland, Calipatria, Westmorland, Brawley, Imperial and El Centro and hereinafter designated points intermediate thereto, over the routes hereinafter described as a consolidated and unified operation, subject, to the authority of this Commission to change or modify said routes at any time, and subject to the following provisions:

- (a) 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.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) No passenger shall be transported whose origin or destination is a point other than the cities, points and places authorized and specific points of pickup and discharge of passengers shall be named in applicant's tariff.

## SECTION 2. ROUTE DESCRIPTION

Niland - El Centro

Commencing at a point within the City limits of Niland via the most appropriate route or routes to State Highway 111, south on State Highway 111 to a point in Calipatria where passengers shall be picked up or discharged, thence, continue in a southerly direction on State Highway 111, to Imperial County Road S-30, southwest on Imperial County Road S-30, to Westmorland, continue in a southwesterly direction to Main Street, in the City of Westmorland, east on Main Street to State Highway 86, continue in an easterly direction to a point in Brawley where passengers shall be picked up or discharged, continue east on State Highway 86 returning to State Highway 111, thence south on State Highway 111 to Imperial Valley College, where passengers shall be picked up or discharged, continue south on State Highway 111 to Aten Road, due west on Aten Road returning to State Highway 86, thence, north on State Highway 86 to the City of Imperial, then south on State Highway 86 to Imperial Avenue, continue in a southerly direction on Imperial Avenue to the Plaza Shopping Center located at Imperial and Main Street in the City of El Centro, where passengers shall be picked up or discharged and return via the reverse route to the exact point of beginning.

(END OF APPENDIX A)