

Decision No. 92384 NOV 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 Route No. )  
C-21, Thousand Oaks-L.A., to in- )  
clude Newberry [sic] Park, Century )  
City and Mid-Wilshire. )

Application No. 59232  
(Filed October 23, 1979;  
amended November 30, 1979  
and September 2, 1980)

O P I N I O N

Applicant Commuter Bus Lines, Inc. requests authority to extend its Route C21. Presently applicant provides on Route C21 passenger stage commuter service from Thousand Oaks, Westlake Village, and Agoura to downtown Los Angeles. Under the proposed extension, Route C21 would originate in Newbury Park instead of Thousand Oaks, and the Mid-Wilshire District and the Westwood-Century City areas would be established as alternate destinations to downtown Los Angeles.

Applicant is engaged in the business of operating a passenger stage corporation as defined in Section 226 of the Public Utilities Code and presently has authority from this Commission for the transportation of persons between their homes and places of employment over various routes. With regard to this application applicant alleges that there is either no existing service between the additional points that it proposes to serve, or that existing services are not routed and scheduled to meet the demands of the commuters.

Applicant contends that the cost to the individual of owning and operating a private automobile for commuting to work is increasing rapidly and that the goals of energy conservation and environmental protection would be served by the establishment of the proposed service extension. Applicant further is of the opinion that the cost to taxpayers, as well as the cost to society in terms of environmental problems, may slow or halt the further expansion of roads and highways, traffic controls, and parking which are required for the continued use of the private automobile for commuting, and that its proposed service extension is in the public interest.

Applicant also avers that the proposed service extension is not likely to substantially lessen nor divert patronage on existing carriers and that the proposed service extension will not have an adverse impact upon the environment.

Applicant has 62 revenue vehicles and 10 nonrevenue vehicles available for its passenger stage commuter service, and it has the financial ability to carry on the proposed service extension. Service on its Route C21 is provided to meet established work shifts on regular work days. Its proposed weekly fares for the route extension (Newbury Park) and the alternate destinations (Century City and Mid-Wilshire) and its weekly fares between points on present Route C21 are set forth in the following tabulation.

Route C21

Weekly Fares

<u>From:</u>	<u>To:</u>		
	<u>Century City</u>	<u>Mid- Wilshire</u>	<u>Downtown L.A.</u>
Woodland Hills	\$18.00	\$18.00	\$14.50*
Agoura	18.00	18.00	15.25*
Thousand Oaks-Westlake	20.00	20.00	16.75*
Newbury Park	21.00	21.00	21.00

\* Existing fares apply.

Applicant also proposed changes in weekly fares that would constitute a rate increase for the existing service on Route C21. As no justification for the proposed changes to existing fares was submitted and because such fare changes are beyond the proper scope of this application for additional route authority, the changes in present fares must be rejected.

As a result of this rejection, the fares proposed for the route extension to Newbury Park and for the alternate destinations will be higher than those for existing service.<sup>1/</sup> Applicant, however, should have an opportunity to develop the new business involved without undue exposure to potentially noncompensatory rates. The rates proposed for the new services do not appear unreasonable and should be approved.

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<sup>1/</sup> The Commission staff has been informed that applicant is preparing an application to increase fares on all of its existing routes.

The application and the amendments thereto were listed on the Commission's daily calendar on October 25, 1979, December 3, 1979, and September 5, 1980, respectively. Copies of the application and the amendments were served on the Southern California Rapid Transit District, on the cities of Los Angeles and Thousand Oaks, and on the counties of Los Angeles and Ventura.

By letter dated December 24, 1979 the Commission's Transportation Division staff requested that applicant specify the pick-up points to be served. By letter dated April 17, 1980 applicant furnished the required information. Shortly thereafter, Southern California Commuter Bus, Inc. (ComBus) lodged a protest, in a letter dated April 25, 1980, contending that certain of the pick-up points would conflict with its existing route authority. This protest led to the application being set for hearing.

Prior to the scheduled hearing applicant and ComBus arrived at a settlement and the matter was removed from the Commission's hearing calendar. The settlement agreement entered into is entitled Mutual Stipulation, is dated August 26, 1980, and provides for certain operating restrictions being imposed on Route C21 in exchange for the withdrawal of ComBus' protest. It is incorporated into the formal file on this application as Exhibit 1.

The Commission's Transportation Division staff has reviewed the application and Exhibit 1. It is their recommendation that the route authority sought in the application be granted to the extent it is not in conflict with Exhibit 1. It is their further recommendation that the fares proposed by

applicant for the Newbury Park route extension and the alternate destinations be permitted to go into effect.

The Commission finds that:

1. Applicant has the operating personnel, equipment, and the financial ability to conduct the proposed operation as modified by Exhibit 1.

2. Public convenience and necessity require the modified service extension proposed by applicant.

3. The fares proposed by applicant for the Newbury Park route extension and alternate destinations appear appropriate for these new services. Applicant should be granted relief from the long- and short-haul prohibition contained in Section 461.5 of the Public Utilities Code in order that it may establish such fares.

4. It can be seen with certainty that there is no possibility that the passenger stage operation involved in this proceeding may have a significant effect on the environment.

5. A public hearing is not deemed necessary in this matter.

The Commission concludes that the authority sought should be granted to the extent set forth in the ensuing order. Since the public will benefit from the immediate institution of the service extension, that order should be effective the date of signature.

Applicant 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 granting 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. Appendix G of Decision No. 89267 in Application No. 57675 is amended incorporating Original Page 8-A and First Revised Page 2-A, First Revised Page 3, First Revised Page 8, and First Revised Page 14, attached hereto, in revision of Original Page 2-A, Original Page 3, Original Page 8, and Original Page 14.

2. In providing service pursuant to the authority granted by this order, applicant, Commuter Bus Lines, Inc., 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 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 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 NOV 4 1980, at San Francisco, California.

John E. Byrne  
President

Thomas L. Sturgeon

Richard D. Givall

Clayton J. Dredink

Samuel J. [Signature]  
Commissioners

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\*Changed by Decision No. 92384, Application No. 59232.



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

Commuter Bus Lines, Inc., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to:

## (1) Transport passengers between:

- (a) Long Beach, San Pedro-Wilmington, Los Angeles, Santa Ana, Canoga Park, and East Los Angeles, on the one hand, and the Hollywood Park Race Track, on the other hand.
- (b) San Pedro, Wilmington, Hermosa Beach, Redondo Beach, Torrance, Gardena-Compton, Canoga Park, El Monte, Inglewood and Los Angeles, on the one hand, and the Santa Anita Race Track, on the other hand.
- (c) Pacific Palisades, Santa Monica, Culver City and El Segundo, on the one hand, and McDonnell-Douglas Plant in Long Beach, on the other hand.
- (d) Pacific Palisades, Santa Monica, Culver City and El Segundo, on the one hand, and McDonnell-Douglas Plant in Huntington Beach, on the other hand.
- \*(e) \*Newbury Park, Thousand Oaks, Westlake Village and Agoura, on the one hand, and downtown Los Angeles, \*Century City, \*Mid-Wilshire, on the other hand. No intermediate points or territories shall be served by the carrier. Applicant waives now and for the future any rights it has pursuant to Sections 1032 and 30637 of the Public Utilities Code which may prevent any other passenger stage corporation or the Southern California Rapid Transit District from establishing a competitive service in the territory applicant is authorized to serve as stated in this subparagraph.

and certain territories intermediate thereto, over and along the routes hereinafter described subject to the conditions and restrictions hereinafter set forth:

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS AND SPECIFICATIONS (Continued)

ROUTE C17. INGLEWOOD - SANTA ANITA RACE TRACK

Within the city limits of Inglewood.

(g) Service on Routes C7, C7-A, C7-B, C7-C, C8, C8-A, and C8-B may be rendered to points within one-quarter mile on either side thereof upon five days' notice to the Commission by filing appropriate timetable and tariff changes.

ROUTE C20. MISSION VIEJO - EL SEGUNDO PLANTS

At the following locations:

Oso Parkway and Goleta Drive (Golf Club), Mission Viejo; Culver Boulevard and San Diego Freeway (University Plaza), Irvine; Brookhurst and Adams, Huntington Beach; Westminster and San Diego Freeway (Albertson's Shopping Center), Westminster; Northrop Aircraft Corp., corner of Crenshaw and Broadway, Hawthorne; Pacific Telephone & Telegraph, DCASR, and Kresge, corner of La Cienega and Imperial, Los Angeles County; North American Rockwell, corner of Douglas and Imperial, Los Angeles County; and Northrop Aircraft Corp., corner of Nash and Mariposa, El Segundo.

\*ROUTE C21. \*NEWBURY PARK, THOUSAND OAKS, WESTLAKE VILLAGE, AGOURA-  
LOS ANGELES, \*CENTURY CITY, \*MID-WILSHIRE

\*(h) All transportation of passengers on Route C21 shall have one point of origin or destination, on the one hand, in the following area only:

at locations within one-half mile on either side of the Ventura Freeway, from Borchard Road, in Newbury Park, on the west, to Canoga Avenue, in Woodland Hills, on the east, subject to the restrictions in Section 1(i), 1(j) and 1(k);

and shall have one point of origin or destination, on the other hand, in the following areas only:

(1) Downtown Los Angeles - the area bounded on the north by the Hollywood and Santa Ana Freeways,

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on the west by Western Avenue, on the south by the Santa Monica Freeway and on the east by the Santa Ana Freeway,

- (2) Century City - locations along the route from the San Diego Freeway and Wilshire Boulevard on the west, to Century City on the east, both points inclusive,
  - (3) Mid-Wilshire - locations along the route from the Hollywood Freeway and Hollywood Boulevard on the west, to Wilshire Boulevard and Mariposa on the east, both points inclusive.
- \*(i) All buses operated on Route C21 shall originate in Westlake Village or at a location further west along the Ventura Freeway corridor. No bus shall originate closer to Westwood-Century City than Westlake Village.
- \*(j) No stop on Route C21 shall be made between Valley Circle Boulevard and Canoga Avenue (including these two locations) unless such stop or stops are for the purpose of picking up regular subscription riders to complete a bus load. By definition this means that at least 51% of the regular subscription riders must board the bus at stops west of Valley Circle Boulevard. Regular subscription riders are defined as riders who normally ride on the bus except for vacations, holidays, sickness, extended company business trips, and occasional personal reasons.
- \*(k) No stop on Route C21 shall be made east of Canoga Avenue, in Woodland Hills.

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

ALTERNATE ROUTES (Continued)

ALTERNATE C3 South and east on San Diego Freeway, south via Valley View Street and Bolsa Chica Road in Westminster to Bolsa Avenue, Huntington Beach Plant to McDonnell - Douglas.

ROUTE C20. MISSION VIEJO - EL SEGUNDO PLANTS

Commencing at Oso Parkway and Goleta Drive (Golf Club), Mission Viejo, thence west on Oso Parkway, San Diego Freeway, Culver Boulevard (University Plaza), Irvine, continue on San Diego Freeway, Brookhurst Street, Warner Avenue, San Diego Freeway, Harbor Freeway, El Segundo Boulevard, Crenshaw Boulevard, Broadway, Prairie, Imperial, Nash Street and to Mariposa.

\*ROUTE C21. \*NEWBURY PARK, THOUSAND OAKS, WESTLAKE VILLAGE, AGOURA - LOS ANGELES, \*CENTURY CITY, \*MID-WILSHIRE

\*a. Downtown Los Angeles:

Commencing from the intersection of Borchard Road and Michael Drive in Newbury Park, thence along Borchard Road, Ventura Freeway, and Hollywood Freeway to Downtown Los Angeles.

\*b. Mid-Wilshire:

From the Hollywood Freeway and Hollywood Boulevard, along Hollywood Boulevard, Western Avenue, Sixth Street, Manhattan Place and Wilshire Boulevard to Mariposa Avenue. Return via Mariposa Avenue, Sixth Street and Normandie Avenue to the Hollywood Freeway.

\*c. Century City:

From the intersection of the Ventura and the San Diego Freeways, along the San Diego Freeway, Wilshire Boulevard, Westwood Boulevard and Santa Monica Boulevard to Century City. Return via reverse route.

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\*Changed by Decision No. 52384, Application No. 59232.