

Decision No. 92775 MAR 3 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
AMERICAN BUSLINES, INC., a)
corporation, for an order amending)
restrictions as to local service as)
a passenger stage corporation over)
presently authorized routes between)
Los Angeles and San Bernardino,)
California.)

Application No. 60040
(Filed October 29, 1980)

O P I N I O N

D.91279 dated January 29, 1980 on American Buslines, Inc.'s (ABL) A.58547 for a certificate of public convenience and necessity continued in effect the following restriction applicable to travel between Calexico, California, and Los Angeles, California:

"RESTRICTED against the transportation of passengers and their baggage in local service between Los Angeles and San Bernardino."

By this application, ABL seeks authorization pursuant to Sections 1031 through 1036 of the California Public Utilities Code to eliminate this restriction from its certificate.

ABL proposes that should the requested authorization be granted, it would provide service to those points authorized by the removal of the restrictions at fares and rates computed in accordance with presently effective mileage scale rates for existing services. In addition, the rules and regulations governing the application of said fares and rates would be the same as those which now apply to existing services.

ABL presently maintains passenger equipment dedicated to the performance of service between Los Angeles and other authorized points south and east thereof which is not being utilized to capacity. The unused capacity of such equipment is alleged to be adequate to provide the increased service that would result if the authorization requested is granted.

According to the application, the original purpose of the restriction against local service between Los Angeles and San Bernardino was to protect the interests of an inter-urban rail passenger service, which, at that time, was operating at a loss between Los Angeles and San Bernardino and intermediate points. This interurban rail service has been out of existence for a number of years and has been supplanted in part by Public Transit District commuter bus service and in part by private automobile transportation. The restriction for ABL as to local service between Los Angeles and San Bernardino is the same as for its affiliate company, Trailways, Inc. Trailways, Inc. has filed a concurrent application requesting the elimination of this restriction from its certificate.

ABL justifies its request on the following bases:

1. ABL presently serves all of the involved points in both intrastate and interstate traffic. Authorizing the requested removal of the restriction will facilitate completion of the transportation of long-line passengers who, because of their unfamiliarity of the effects of this restriction, sometimes travel beyond their intended destination.

2. Local transit services afford little if any service between Los Angeles and San Bernardino during late night and early morning hours. Granting the requested authorization

will permit ABL to provide such service during those periods when the lower cost, local transit lines are not in service.

3. Removal of the restriction will increase ABL's load factor and permit the provision of local transportation service without any increase in fuel consumption.

ABL alleges that granting the requested authorization will have no adverse impact on the environment. In addition, ABL claims that because of the fare differential between ABL and local transit systems, there will not be any significant diversion of passengers from the local transit systems to ABL.

Notice of the application was listed on the Commission's Daily Calendar on November 3, 1980. No protests have been received. A public hearing is not necessary.

Given ABL's readiness to offer the proposed service, and the public benefit available, the order which follows should be effective immediately.

Findings of Fact

1. The original purpose of the restrictive clause precluding ABL from providing local service between Los Angeles and San Bernardino was to protect the interests of an inter-urban rail passenger service that has long ceased to exist.

2. The restrictive clause is the same clause in effect for ABL's affiliate, Trailways, Inc., which has concurrently filed an application to effect its elimination.

3. Granting the requested authorization to eliminate the restrictive clause could (a) facilitate completion of the transportation of long-line passengers unfamiliar with the effect of the clause, (b) provide local service at times such service is not provided by local transit lines, and (c) increase ABL's load factor resulting in the provision of local transportation service without increased fuel consumption.

4. Public convenience and necessity require that the authority requested by ABL be granted.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

6. A public hearing is not necessary.

Conclusion of Law

The Commission concludes that the authority requested by ABL to remove the certificate clause restricting local service between Los Angeles and San Bernardino should be granted.

O R D E R

IT IS ORDERED that:

1. Appendix B of Decision No. 84065 in Application No. 55212, as amended by Decision No. 91279 in Application No. 58457, is amended by incorporating First Revised Page 6, attached hereto, in revision of Original Page 6.

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 the 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


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in such form, content, and number of
copies as the Commission, from time to
time, shall prescribe.

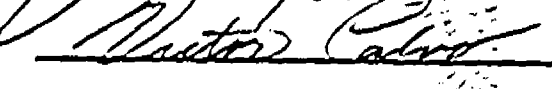
The effective date of this order is the date hereof.

Dated MAR 3 1981, at San Francisco, California.



President






Commissioners

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 8 San Diego - Arizona Border
From San Diego, over Interstate Highway 8 (I-8) to the California-Arizona State Line, serving all intermediate points, including Holtville.

Route 9 Calexico - Los Angeles
From Calexico, California over California Highway 111 (SSR-111) to Indio, California; thence from Indio, California over Interstate Highway 10(I-10) to Los Angeles, California, serving all intermediate points, except as indicated in the following restrictions:

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Also to avoid potential splitting of duplicate operating rights, American Buslines, Inc. is limited to transfer of duplicate operating rights solely to Trailways, Inc., of which American Buslines, Inc. is a wholly owned subsidiary.

Issued by California Public Utilities Commission.

*Amended by Decision No. 92775, Application No. 60040.