

Decision No. 36943

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BEN TUNSTALL dba HUNTINGTON BEACH )  
VICTORY BUS for certificate of public )  
convenience and necessity to operate )  
limited bus service as a common )  
carrier, between Costa Mesa, Newport )  
Beach, Huntington Beach, Sunset Beach, )  
Midway City, Westminster, and Douglas )  
Aircraft-Long Beach, California Ship )  
Yards-Terminal Island. )

ORIGINAL

Application No. 25988

BY THE COMMISSION:

O P I N I O N

In this application Ben Tunstall, doing business as Huntington Beach Victory Bus, requests a certificate of public convenience and necessity authorizing operation as a passenger stage corporation between Costa Mesa, Newport Beach, Huntington Beach, Sunset Beach, Midway City, Westminster, and Douglas Aircraft-Long Beach, California Ship Yards-Terminal Island and intermediate points.

The proposed service is "on call" and is limited to the transportation of defense workers.

Applicant alleges that the routing and schedules of other carriers in the territory are not adapted to the needs of employees at Douglas Aircraft and Terminal Island Ship Yards. In view of these circumstances he has been operating what he terms a "Victory Bus Club" to transport workers to and from these plants.

Three operations are involved in the application, which may generally be described as a service between Newport Beach, on the one hand, and Douglas Aircraft and Terminal Island, on the other hand. The routing of the service will be set forth in detail in

the service regulations following the order herein.

Applicant proposes to charge a fare of \$2.50 for a weekly commutation book, good for six round trips, to the respective plants. Single fare, for one-way trips only, from any point on either route, is fixed at \$1.00. The distance is approximately twenty-three miles on each of the three routes. Available equipment consists of three buses having a seating capacity of 28, 20 and 8 passengers, respectively.

Pacific Electric Railway Company operates in the territory over Lakewood Boulevard (State Highway 19) and various local streets, thence in a southeasterly direction over U. S. Highway 101-A to Newport Beach. This carrier, which is the only one now in the field, has advised the Commission that it has no objection to the granting of the certificate provided passengers are handled only between the intersection of Bay Boulevard and U. S. Highway 101-A and points south thereof, and Douglas Aircraft at Long Beach, and between the intersection of Los Alamitos and West 17th (Westminster) and points east thereof, and Douglas Aircraft.

It appears to us that the operation proposed will provide a needed public transportation for the defense workers at Douglas Aircraft and Terminal Island Ship Yards, respectively, and that the application should be granted. A public hearing is not necessary.

Ben Tunstall is placed upon 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, they extend to the holder a full or partial

monopoly of a class of business over a particular route, This monopoly feature may be changed or destroyed at any time by the State which is not in any respect limited to the number of rights which may be given.

O R D E R

Application having been made in the above entitled matter, and the Commission being duly advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Ben Tunstall authorizing operation as a passenger stage corporation, as defined in Section 24, Public Utilities Act, for the transportation of defense workers between Newport Beach, on the one hand, and Douglas Aircraft Company, Long Beach and California Shipbuilding Corporation, Terminal Island, on the other hand, subject to the following restrictions and conditions:

- (a) Passengers will be handled only between the intersection of Bay Boulevard and Coast Highway 101-A and points south thereof, on the one hand, and Douglas Aircraft Company, Long Beach, or California Shipbuilding Corporation, Terminal Island, on the other hand.
- (b) On the route between Huntington Beach and Douglas Aircraft Company, Long Beach, passengers will be handled only between the intersection of Los Alamitos and West 17th Street (Westminster) and points east thereof, on the one hand, and Douglas Aircraft Company, Long Beach, on the other hand.
- (c) The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that Ben Tunstall, his successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such rights.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Beginning in Costa Mesa, then to Newport Beach via State Highway No. 55, thence north via U. S. Highway No. 101-A to Huntington Beach, thence via U. S. Highway No. 101-A to Sunset Beach, thence north via U. S. Highway No. 101-A to junction of State Highway No. 19, then north on State Highway No. 19, to junction of State Highway No. 18, terminating at Douglas Aircraft Company.

Beginning in Huntington Beach, then north on State Highway No. 39 to the junction of Westminster Boulevard, also known as 17th Street, then west on Westminster Boulevard, also known as 17th Street, through Westminster, and Harbor City to the junction of Los Alamitos Boulevard, then north on Los Alamitos Boulevard, also known as State Highway No. 35, to the junction of State Highway No. 22, also known as 7th Street, Long Beach, then west on State Highway No. 22 to the junction of U. S. Highway 101-A, then north on U. S. Highway No. 101-A to the junction of State Highway No. 19, then north on State Highway No. 19 to the junction of State Highway No. 18 and terminating at Douglas Aircraft Company.

Beginning in Huntington Beach, then north on U. S. Highway No. 101-A to the junction of Anaheim Street, Long Beach, then west on Anaheim Street, Long Beach, to the junction of Ford Boulevard, then south on Ford Boulevard to the junction of Dock Street, Terminal Island, then west on Dock Street, terminating at the California Shipbuilding Corporation on Terminal Island.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of March, 1944.

Richard Kachse  
Justus F. Casner  
Francis A. Harewood  
Wm W. Carr  
James H. Powell  
COMMISSIONERS