

Decision No. 39251

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PHILIP J. BIRD, for a Certificate of)	
Public Convenience and Necessity, Authorizing)	Application
Operations as a Passenger Stage Corporation,)	No. 27401
between Orange County Airfield and Balboa)	
Island Ferry, California.)	

James J. Broz for applicant; Charles P. Rhinard for Laguna Beach - Santa Ana Stage Line, interested party.

O P I N I O N

Philip J. Bird seeks authority to establish and operate a passenger stage service for the transportation of persons between Santa Ana Heights and Balboa Island (City of Newport Beach) via the unincorporated town of Costa Mesa.

Public hearing in this proceeding was held before Examiner Ager at Newport Beach on June 28, 1946. Evidence having been adduced, the matter was submitted for decision.

Applicant filed an amended application revising the proposed routes by eliminating a "loop" operation and rerouting to include the Newport Harbor High School and the northeast section of Newport Heights subdivision. Orange County Airfield was excluded as one terminal because re-investigation disclosed to applicant that there would be insufficient patronage to justify public transportation at the present time. The service as proposed will provide public transportation for Costa Mesa and from the newly developed outlying residential districts, such as Santa Ana Heights, to Costa Mesa for business, shopping and amusement purposes. In addition it will provide a means for residents of the community to reach Balboa Island, which is a noted summer beach resort. The total distance between termini is approximately ten miles.

It is proposed to charge a one-way fare of ten cents per person between Santa Ana Heights and Costa Mesa and between Costa Mesa and Balboa Island. A local fare of five cents will be charged within the immediate Costa Mesa area and on Balboa Island. No round-trip or commutation tickets will be offered. One-hundred-ride student books will be available for school children at the rate of five cents per ride for those under twelve years of age and seven and one-half cents per ride for those twelve years of age and older. Nine round-trip schedules will be operated daily on one and one-half hour headway from 7:35 A.M. to 7:35 P.M. Seven round-trip schedules will be operated Sundays and holidays, using the same headway but eliminating the first two morning trips.

Applicant originally planned to inaugurate the service with one 28-passenger 1937 International school-type bus, with a Wayne body and rebuilt motor with headroom of sixty-eight inches, but testified that, should his application be granted, he would immediately procure standard equipment conforming to the requirements of the Commission's General Order No. 93-A.

Applicant has had previous experience as an operator of heavy-duty automotive equipment, having been a passenger bus operator and truck driver for an aggregate of twelve years. Evidence shows that applicant has reasonable financial responsibility commensurate with the scope of the proposed operation.

Evidence was introduced showing estimated annual revenues of \$14,125 and annual expenses of \$12,603. Testimony developed that there were certain errors in the various data involved in the calculations, but that the corrected operating ratio would approximate ninety percent.

Numerous witnesses testified in support of the application and indicated that they would patronize the proposed service. Evidence

disclosed that Costa Mesa has a population of approximately 10,000 persons and is rapidly expanding in the outlying districts. There is need of transportation for business, shopping, amusement, and educational purposes in and around Costa Mesa and between Costa Mesa and Balboa. Particular need was stressed in the case of high school students and instances were cited wherein it was necessary for the students to walk a distance in excess of one mile in going to and from school.

No other carrier serves the communities of Costa Mesa and Balboa locally. Laguna Beach-Santa Ana Stage Line operates two trips daily to Marine and Park Avenues at the east end of Balboa Island, but renders no local service beyond that point. Charles P. Rhinard, in behalf of Laguna Beach-Santa Ana Stage Line, testified that applicant's proposed service would be a feeder to his line at both Costa Mesa and Balboa, and that his company did not oppose the granting of the application. Other inter-city carriers, such as The Santa Fe Trail Transportation Company and Pacific Greyhound Lines, who operate a short distance on U.S. Highway 101-A parallel to applicant's proposed operation, waived protest.

Having considered the amended application and the evidence of record in this proceeding, we are of the opinion and find that public convenience and necessity require the establishment of the proposed service, and therefore, the application will be granted.

O R D E R

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised, and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

- (1) That a certificate of public convenience and necessity:

be, and it hereby is, granted to Philip J. Bird authorizing the establishment and operation of a service as a "passenger stage corporation", as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of persons between Santa Ana Heights and Balboa Island (City of Newport Beach), Orange County, and intermediate points via the unincorporated community of Costa Mesa.

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

- (a) 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.
- (b) Applicant shall, within ninety (90) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, establish the service herein authorized and 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.
- (c) Subject to the authority of this Commission to change or modify such at any time, Philip J. Bird shall conduct said passenger stage operation over and along the following described route:

Commencing at Birch Street and Palisades Road in the community known as Santa Ana Heights, which is located approximately seven miles southwest of the City of Santa Ana (Orange County), thence via Birch Street, Orchard Drive, Acacia Street, Mesa Drive, Santa Ana Avenue, Broadway and Newport Avenue to 18th Street in the unincorporated community of Costa Mesa; thence via 18th Street, Santa Ana Avenue, 12th Street, San Bernardino Avenue, 15th Street, Irvine Avenue, 17th Street U.S. Highway 101-A, Bayside Drive and Marino Avenue to Park Avenue on Balboa Island; thence via Park Avenue to Agate Avenue.

Applicant is authorized to turn his motor vehicles at termini and intermediate points, in either

direction, at intersections of streets or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

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

Dated at San Francisco California, this 30 day of

July, 1946

David Cudde
Justin F. Greener
Frederic Clark
Leah F. ...
Harold F. Kula
Commissioners