

Decision No. 42091

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CARL WILLIAM FISHER, an individual)
 doing business as Laguna Motor Tours,)
 for a certificate of public convenience)
 and necessity, authorizing special)
 charter limousine-type service for the)
 transportation of passengers and their)
 baggage between Laguna Beach and Palm)
 Springs, and for the conduct of sight-)
 seeing service between Laguna Beach and)
 San Juan Capistrano Mission, between)
 Laguna Beach and Balboa-Newport area,)
 and within a radius of 3 miles of the)
 City of Laguna Beach.)

Application No. 29465

O P I N I O N

Carl William Fisher, an individual, doing business as Laguna Motor Tours, requests authority herein to establish a passenger stage service for the transportation of persons and their baggage, when such baggage is transported incidental to the transportation of passengers, by motor vehicles having a seating capacity of not more than ten persons, including the driver, commonly called limousine-type vehicles, between Laguna Beach, California, and points and stations within a radius of three miles of Laguna Beach, on the one hand, and on the other, Palm Springs, California, and points and places within three miles thereof. The proposed operations are to be conducted on an "on-call" basis and over certain specified routes.

Applicant also proposes to conduct three sight-seeing tours, as follows:

- (a) San Juan Capistrano Mission Tour
- (b) Balboa-Newport Tour
- (c) Laguna Beach City Tour

Each of these tours will be conducted over specified routes and will be conducted daily on specified schedules.

Applicant alleges that public convenience and necessity require the establishment of the proposed service in that the City of Laguna Beach has grown considerably in population and is a resort area and artists' colony. As such, the city attracts a considerable number of visitors and tourists. Applicant has been requested by various businessmen, club owners, resort keepers, inn keepers, and chambers of commerce, to establish a service between Laguna Beach and Palm Springs and also to establish sight-seeing service as herein proposed.

The equipment applicant proposes to use will be limousine-type vehicles. At the outset a De Soto Suburban Sedan capable of transporting eight passengers will be placed in this service. In addition, the applicant, who is now engaged in the taxicab business in Laguna Beach, will use such of his fleet of five taxicabs as may be necessary for emergencies and for over-loads.

It is alleged that there is no comparable service in the area and, in this connection, the various carriers who may have an interest in the proposed service have been contacted and each has indicated no objections to the proposed service. These carriers include the Pacific Greyhound Lines, Tanner Motor Tours, Stephens Transportation Company, and the Laguna Beach-Santa Ana Stage Lines. In addition to these, the various city and county officials involved have been contacted and have expressed no opposition to the

proposed service. These officials include those of the Counties of Riverside and Orange and the Cities of Laguna Beach, Newport Beach, and Palm Springs. The application is indorsed by the Laguna Beach Chamber of Commerce, the Laguna Beach and Tennis Club, and the Aliso-Laguna Golf and Country Club. In this connection it should be noted that the City of Laguna Beach has expressed no opposition to the proposed service provided it will be carried on from an off-the-street location in Laguna Beach. Applicant advises that it will conduct its operations at its principal terminal in Laguna Beach so as to provide for off-street loading and unloading.

Applicant has submitted financial statements which indicate that he is financially able to operate as proposed.

Upon full consideration of this matter we are of the opinion and find that the establishment and operation of a passenger stage service, as requested herein, is in the public interest and, therefore, the application will be granted. A public hearing is not necessary.

Carl William Fisher is hereby 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 as above entitled having been filed, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Carl William Fisher, an individual, authorizing the establishment and operation of an "on-call" service as a passenger stage corporation, as that term is defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers and baggage, when such baggage is transported incidental to the transportation of passengers, between Laguna Beach, California, and points and places within three miles thereof, on the one hand, and on the other, Palm Springs, California, and points and places within three miles thereof, and on three sight-seeing tours designated as (a) San Juan Capistrano Mission Tour, (b) Balboa-Newport Tour, and (c) Laguna Beach City Tour, subject to the following restriction:

Applicant shall provide off-street loading and unloading facilities at its principal terminal in Laguna Beach.

(2) That in providing service pursuant to the certificate herein granted, Carl William Fisher 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 sixty (60) days from the effective date hereof, and upon not less than five (5) days' 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, Carl William Fisher shall conduct said passenger stage operation over and along the following described routes:

Laguna Beach-Palm Springs Tour

Commencing at an off-street loading facility at 219 Ocean Avenue in Laguna Beach, to Alternate U. S. Highway 101, California Highway 74, U. S. Highway 395, U. S. Highway 60, California Highway 111 to Palm Springs.

Alternate Route

California Highway 74 between Perris and the Junction of California Highways 74 and 111 near Indian Wells, thence via California Highway 111 to Palm Springs.

San Juan Capistrano Mission Tour

Commencing at an off-street loading facility at 219 Ocean Avenue, thence via Ocean Avenue, Beach Avenue, Forest Avenue, Glen Eyre Avenue, Legion Street, Coast Boulevard, passing the Tennis Club, Treasure Island Trailer Park, Aliso Beach, Coast Royal residential district, business district of South Laguna, residential district of South Laguna, and the Three-Arch Bay residential area and gardens. Return to Coast Boulevard passing State Marker near Dana Point in the residential district of Dana Point, easterly through underpass on U. S. Highway 101, business district of Doheny Park, adjacent orange groves, and into the City of San Juan Capistrano. Return via U. S. Highway 101 to Coast Boulevard and thence to the point of beginning.

Balboa-Newport Tour

Commencing at off-street loading facility at 219 Ocean Avenue in Laguna Beach, thence via Coast Boulevard, passing residential district of Emerald Bay, El Moro Beach and Crystal Bay to Corona del Mar, thence via Poppy Avenue, Ocean Boulevard, Fernleaf Avenue, Bayside Drive, passing the Balboa Yacht Club, thence west over the

bridge to Balboa Island, thence via Marine Avenue, Park Avenue, and Agate Street, thence via the auto ferry across Balboa Bay, thence via Palm Street and Central Avenue to the end of the peninsula, thence via Ocean Boulevard, Channel Road, Central Avenue, Main Street, and Bay Avenue to the Newport Yacht Club, thence via 15th Street, Central Avenue, passing the business district of Newport, the Newport Pier and Boat Works, thence via Central Avenue and Coast Boulevard to point of beginning.

Laguna Beach Scenic Tour

Commencing at off-street loading facility at 219 Ocean Avenue, thence via Ocean Avenue, Beach Avenue, Cliff Drive, thence crossing Coast Boulevard to Laguna Beach Art Club and Victor Hugo Restaurant, thence through Heisler Park, Cliff Drive, passing the Laguna Beach Bowling Greens, Diver's Cove, Fisherman's Cove, Coward's Cove, residential area and cliffs to Coast Boulevard, thence via Coast Boulevard passing Emerald Bay to High Drive, thence via High Drive, Acacia Street, Broadway, Laguna Canyon Road, Ocean Avenue, Beach Avenue, Forest Avenue, Glen Eyre Street, Park Avenue, St. Ann's Drive, Wilson Street, Thalia Street, Temple Hills Drive to Temple Hills, thence via Temple Hills Drive, Thalia Street, Coast Boulevard, Ruby Street, Ocean Way, and Coast Boulevard to point of beginning.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5th day of October, 1948.

R. E. Johnson
Chas. Powell
Harold Huls
Samuel Patton

COMMISSIONERS