

ORIGINAL

Decision No. 44520

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 DEAN, WILLIAM K. and DAVID M. CARSON, )  
 individuals doing business as co- )  
 partners under the firm name of CROSS )  
 TOWN BUS LINES, for a Certificate of )  
 Public Convenience and Necessity )  
 authorizing the operation of a passen- ) Application No. 31384  
 ger stage business between points in )  
 the City of Fullerton and in the )  
 vicinity thereof and between )  
 Fullerton, California, on the one )  
 hand and on the other, Placentia, Cali- )  
 fornia, including all intermediate points. )

O P I N I O N

The applicants are at present operating a passenger stage service in Lynwood, Compton, and nearby points in California, pursuant to Decision No. 42517, dated February 15, 1949. There is no physical connection between applicants' present certificated services and the services referred to in this decision.

Acting upon the assumption that the Public Utilities Commission has no jurisdiction over a service wholly within an incorporated city, applicants secured temporary permits from the city of Fullerton, California, to operate a passenger stage service along Commonwealth Avenue in that city. By Application No. 31384 applicants request authority to extend the Fullerton service beyond the city limits of Fullerton into the city of Placentia. Applicants also request permission to transport school children in Placentia.

As justification for the granting of the authority requested, applicants allege that for a considerable period they have been conducting service entirely within the city of Fullerton, and that expansion of the residential area of that city beyond its corporate boundaries has created a need for public transportation outside those boundaries. Applicants further allege that they have received numerous requests from the City Council and Chamber of Commerce of Fullerton, and the Chamber of Commerce and various organizations in and around Placentia, for the extension of applicants' service between Fullerton and Placentia. The applicants further allege that authority to serve along Bradford Avenue between Chapman Avenue and Orange Grove Avenue in Placentia is requested solely for the purpose of transporting children to and from school. The city of Placentia has requested that the Commission grant applicants the authority they seek.

The Atchison, Topeka & Santa Fe Railway Company, an affected carrier, does not protest the granting of the authority requested.

The Pacific Electric Railway Company, which operates a passenger stage service along a major portion of the route proposed to be used by applicants, has no objection to the granting of the requested authority without restriction.

Six fare zones are proposed, with fares ranging from ten cents to twenty cents.

Applicants have submitted a schedule to be placed in effect if they are authorized to serve as proposed by them.

Upon the facts set forth hereinabove, we find that public convenience and necessity require that Dean, William K. and David M. Carson, individuals doing business as copartners under the firm name of Cross Town Bus Lines, establish and operate services as a passenger stage corporation as hereinafter set forth, and, therefore, the application will be granted. A public hearing is not necessary.

Dean, William K. and David M. Carson, individuals doing business as copartners under the firm name of Cross Town Bus Lines, are hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be 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, 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 filed and the Commission being fully advised in the premises, and having found 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 Dean, William K. and David M. Carson, individuals doing business as copartners under the firm

name of Cross Town Bus Lines, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, for the transportation of persons (1) between the intersection of Edwards Avenue and Whittaker Avenue in the city of Fullerton, and the intersection of Chapman Avenue and Bradford Avenue in the city of Placentia, and intermediate points, and (2) along Bradford Avenue between Chapman Avenue and Orange Grove Avenue, and intermediate points in the city of Placentia.

(2) That, in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicants shall 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, Dean, William K. and David M. Carson, individuals doing business as copartners under the firm name of Cross Town Bus Lines, shall conduct said passenger stage operation over and along the following described routes:

1. Beginning at the intersection of Edwards Avenue and Whittaker Avenue in the city of Fullerton, thence on Edwards Avenue to Commonwealth Avenue, thence on Commonwealth Avenue, Harvard Avenue, Wilshire Avenue, Raymond Avenue, Chapman Avenue to Melrose Street in the City of Placentia, thence on

Melrose Street, Santa Fe Avenue, Bradford Avenue to Chapman Avenue, thence west on Chapman Avenue to Melrose Street, all in the city of Placentia, thence reverse over the same route to Magnolia Avenue, south on Magnolia Avenue to Whittaker Avenue, west on Whittaker Avenue to point of beginning.

2. Along Bradford Avenue in the city of Placentia, between Chapman Avenue and Orange Grove Avenue.

Applicants are authorized to turn their motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of July, 1950.

R. E. Anderson  
Justus F. Craven  
Frank Rowell  
Harold Hule  
Fessenden Patten  
COMMISSIONERS