

ORIGINALDecision No. 45460

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BEN F. HIGBIE, doing business)
as WEST ORANGE TRANSIT COMPANY, to) Application No. 32064
operate a bus service between Long)
Beach and certain points in Orange)
County.)

John V. Cooper, attorney, for applicant. Commander R. V. Murison, for U. S. Naval Air Station, Los Alamitos, California, Willard R. Lee, for Long Beach City Lines and Long Beach Motor Bus Company, and James Broadbelt, for Cypress Chamber of Commerce, interested parties.

O P I N I O N

The applicant requests that he be granted a certificate of public convenience and necessity authorizing him to operate a passenger stage service between the city of Long Beach and Stanton, an unincorporated community on Huntington Beach Boulevard in Orange County.

A public hearing was held in Los Angeles on March 6, 1951, evidence was presented and the matter was submitted. It is now ready for decision.

Copies of the application were served on all passenger carriers in the vicinity of the proposed service. At the request of several of these carriers, the application was amended, in writing, to change the routing proposed in the original application, and to eliminate pickup and discharge of passengers in certain portions of the service. The interested carriers have

no further objection. At the hearing the routing was changed in the vicinity of the U. S. Naval Air Base to provide easier access to that installation. No party is affected by this change other than the personnel of the Navy Base, and the change was made at the suggestion of their representative.

The Los Alamitos Chamber of Commerce and the Stanton Chamber of Commerce, both communities along the route of the proposed service, have recommended that the application, as amended, be granted.

The city of Long Beach, the only incorporated city on the proposed route, has recommended that the application, as amended, be granted.

The applicant is inexperienced in the passenger stage business, but has experienced assistants, and has adequate assets and equipment to perform the service as proposed. Applicant has proposed fares ranging from 10 cents to 40 cents, with five fare zones. Because of the change in routing to eliminate one of the fare-break points, it will be necessary for applicant to amend his proposed fare schedule. He has submitted a time schedule to be placed in effect if the service is authorized.

The evidence shows that the community of Cypress, which is located along the proposed route about two miles west of Stanton Avenue (Huntington Beach Boulevard), was formerly served by the Los Angeles-Santa Ana line of the Pacific Electric Railway Company. There are approximately 3,000 persons in this community, many of whom work in Los Angeles and Long Beach and have had no public transportation since the withdrawal of service by the

railway. A representative of the Cypress Chamber of Commerce testified that many persons from Cypress would use applicant's services daily, and that there is a need in that community for the services as proposed.

The transportation officer of the U. S. Naval Air Station at Los Alamitos testified that there are about 600 naval personnel who report to the station each day, with about 1,000 additional on Saturdays and Sundays. None of the personnel resides on the post, and at present must resort to private transportation. He was of the opinion that many of the personnel would use the services of applicant from both the Long Beach end of the line and the Stanton end of the line.

Upon the evidence set forth hereinabove, we find that public convenience and necessity require that Ben F. Higbie, doing business as West Orange Transit Company, establish and operate services as a passenger stage corporation, as hereinafter set forth, and, therefore, the application, as amended, will be granted.

Ben F. Higbie, doing business as West Orange Transit Company, 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 having been filed, 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 Ben F. Higbie, doing business as West Orange Transit Company, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of persons between the intersection of 1st Street and American Avenue in the city of Long Beach, Los Angeles County, and the intersection of Stanton Avenue (Huntington Beach Boulevard) and Katella Avenue in the unincorporated community of Stanton in Orange County, and intermediate points.

(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, applicant 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, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 79 and Part 19 of General Order No. 98, 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, Ben F. Higbie, doing business as West Orange Transit Company, shall conduct said passenger stage operation over and along the following described routes:

1. From Long Beach to Stanton, commencing at 1st Street and American Avenue, thence via 1st Street, Alamitos Avenue, Anaheim Street, Bellflower Boulevard, Spring Street, Los Alamitos Boulevard, Farquhar Street, Lexington Avenue, Howard Street, Los Alamitos Boulevard, Ball Road, Denni Street, Lincoln Avenue (Carson Street), Grand Avenue, Stanton Avenue (Huntington Beach Boulevard), to its intersection with Katella Avenue in Stanton.
2. From Stanton to Long Beach, commencing at the intersection of Stanton Avenue (Huntington Beach Boulevard) and Katella Avenue in Stanton, thence via Stanton Avenue (Huntington Beach Boulevard), Lincoln Avenue (Carson Street), Denni Street, Ball Road, Los Alamitos Boulevard, Farquhar Street, Lexington Avenue, Howard Street, Los Alamitos Boulevard, Spring Street, Bellflower Boulevard, Anaheim Street, Alamitos Avenue, 1st Street to its intersection with American Avenue in Long Beach.

(3) That the authority herein granted is subject to the following restrictions:

- (a) No passengers shall be transported who have both origin and destination in the city of Long Beach.
- (b) On the outbound trip from Long Beach no passengers shall be discharged west of the San Gabriel River Channel.
- (c) On the inbound trip to Long Beach no passengers shall be picked up west of the San Gabriel River Channel.

IT IS FURTHER ORDERED that Ben F. Higbie 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 intersections, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 19th day of March, 1951.

R. J. [Signature]
Justice F. Calver
Harold P. Huls
Conrad P. Potter

COMMISSIONERS