

ORIGINALDecision No. 48723

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ARTHUR V. HARVEY and WILLIAM D. BOURNE)
 doing business as WEST ORANGE TRANSIT) Application No. 34156
 COMPANY for authority to suspend opera-)
 tion along a portion of its line, and)
 to reroute and extend its line.)

John V. Cooper, for applicant.
John W. Chapman, for Benton Bus Lines, Dale
Kroesen, for Cypress Chamber of Commerce,
Carl M. Lollin, for Buena Park Police
 Department, interested parties.
Mrs. Ernest Rutul, for Stanton Chamber of
 Commerce, and Lee Pennington, protestants.

O P I N I O N

Applicant is now authorized to conduct a passenger stage service, subject to certain restrictions, between Long Beach, Los Alamitos, Vessel's Ranch, Hawaiian Gardens, Cypress, Stanton, and Knott's Berry Farm. By this application, as amended, authority is sought (1) to make several minor reroutings, not appreciably material to the present service, (2) to extend service into Buena Park from Knott's Berry Farm, and (3) to discontinue service to Stanton.

A public hearing was held in Buena Park on May 15, 1953, before Examiner Chiesa, and evidence, oral and documentary, having been adduced, the matter was submitted for decision.

The application, except as to the Buena Park extension and the Stanton discontinuance, is not controversial. The only objection to the former was presented by the operator of a Buena Park taxi service, who contended that the proposed four schedules between Buena Park and Knott's Berry Farm would materially reduce his operating revenue. No estimates of revenues and expenses having been offered, the evidence of record does not support this protest.

The taxi service meets all Pacific Electric Railway buses at Buena Park, which operate on an hourly schedule. Protestant's total daily passengers between Buena Park and Knott's Berry Farm is less than 25 passengers. Applicant's service is proposed on a three-hour headway between 7 a.m. and 4:30 p.m. eastbound, and between 8:05 a.m. and 5:38 p.m. westbound. Protestant charges a fare of 35 cents one way, and applicant proposes a 15-cent fare (two zones). In our opinion the services are not materially competitive.

No changes in fares are proposed except for the extension between Knott's Berry Farm and Buena Park. Between these points a fare zone will be established at the intersection of Orangethorpe Avenue and Grand Avenue, with a 10-cent fare applying in either of the two new zones and a 15-cent fare between the two zones. Through fares between Buena Park and Long Beach or intermediate points will be increased 10 cents, including federal tax when applicable, over those now in effect. These fares appear to be reasonable and are consistent with the present fare structure.

Discontinuance of the present Stanton service was opposed by the Stanton Chamber of Commerce. The evidence (Exhibit No. 7) shows that for the 90-day period between February 1 and April 30, 1953, applicant carried a total of only 61 passengers to and from Stanton, or an average of less than one per day. The average monthly revenue applicable to this portion of the service was \$13.20 and the average monthly expense was \$31.20, or a loss of \$18 per month.

A Commission engineer reported favorably on applicant's proposals, including the Buena Park extension and the Stanton abandonment.

It is believed that the extension into Buena Park will result in additional revenue due to a need for bus service connecting with the Pacific Electric Railway Company service at Buena Park.

The service is required for workers, housewives and school children wishing to travel between Hawaiian Gardens, Cypress, Knott's Berry Farm and Buena Park, Orange or Santa Ana. As the added mileage is about that of the present Stanton run, any additional revenue would be realized without an increase in costs.

The police chief of Buena Park testified in favor of the application, but recommended a different routing to meet local traffic conditions. Applicant revised the proposed route accordingly.⁽¹⁾

The Commission having considered the evidence of record and facts and circumstances pertaining thereto, is of the opinion and finds that public convenience and necessity require that the application as amended be granted. For the purpose of clarity, applicant will be granted an in lieu certificate in place and instead of the present operating authority.

Arthur V. Harvey and William D. Bourne are 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.

(1) The agreed Buena Park route is north on Grand Avenue, west on Ninth Street, north on Western Avenue, east on Artesia Boulevard, and south on Grand Avenue, with a layover location on the west side of Grand Avenue just south of Manchester Avenue.

O R D E R

A public hearing having been held, 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 Arthur V. Harvey and William D. Bourne, copartners doing business as West Orange Transit Company, authorizing them to establish and operate a service as a "passenger stage corporation," as that term is defined in Section 226 of the Public Utilities Code, for the transportation of persons between Long Beach, Vessel's Ranch Race Track, and Buena Park and intermediate points, subject to the following restrictions and conditions:

- (a) No passenger shall be transported whose point of origin and point of destination are both within 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.
- (d) Service to and from Vessel's Ranch Race Track shall be rendered only during such periods as horse racing is conducted at said race track.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make 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, Arthur V. Harvey and William D. Bourne, doing business as West Orange Transit Company, shall conduct said passenger stage operations over and along the following described route:

Beginning at the intersection of American Avenue and First Street in the City of Long Beach, thence north on American Avenue, east on Anaheim Street, north-easterly on Los Altos Plaza, southeasterly on Anaheim Road (or Street), north on Bellflower Boulevard, east on Spring Street, south on Alamitos Boulevard (Norwalk Boulevard), east on Katella Avenue, south on Enterprise Drive, west on Howard Avenue, south on Lexington Drive to entrance of Naval Reserve Air Base, and return to Howard Avenue, west on Howard Avenue, north on Los Alamitos Boulevard, east on Carson Street (Lincoln Avenue), north on Grand Avenue, west on Ninth Street (in Buena Park), north on Western Avenue, east on Artesia Boulevard, and south on Grand Avenue, returning by reverse of route.

Also, beginning at the intersection of Katella Avenue and Enterprise Drive, thence east on Katella Avenue to main entrance of Vessel's Ranch Race Track, and return by reverse of route.

Applicant is authorized to turn its 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.

(3) That the operating authority hereinabove granted is in lieu of all previous authority granted to applicants herein or to any of their predecessors, and that all such operating authority granted by Decisions Nos. 45460, 45978, 46475, 46574, 47850 and 48209 be, and it hereby is, revoked and annulled. (2)

(4) That applicants shall, on not less than five days' notice to the Commission and to the public, amend their tariff in accordance with the authority herein granted.

(5) That notice to the public of the rerouting, extension and discontinuance of service as hereinabove authorized shall be

(2) By Decision No. 48076 on Application No. 33794 the present fares were established, and therefore this decision is not being revoked.

posted in all vehicles for at least ten days next preceding the establishment and discontinuance of such service.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16th day of June, 1953.

Commissioner KENNETH POTTER, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

R. J. [Signature]

 President

Justin F. [Signature]

Harold F. [Signature]

Commissioners