

ORIGINAL

Decision No. 49554

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ALBERT LIPPS, doing business as)
Douglas Bus Line, for a certificate)
of public convenience and necessity)
to operate a bus line between Santa)
Ana and the Douglas Aircraft plant.)

Application No. 34673

O P I N I O N

Applicant herein requests a certificate of public convenience and necessity to establish and operate a passenger stage service for the transportation of passengers between Santa Ana on the one hand, and the Douglas Aircraft plant on Lakewood Boulevard near the city of Long Beach on the other.

The application discloses that applicant is a resident of Santa Ana, California. For the past three years he has been transporting employees of the Douglas Aircraft Company to and from work. This transportation service has consisted of picking up these employees near their homes, taking them to the plant and returning them at the end of the work shift. The service is furnished five days a week, Monday through Friday, and is operated for each of the three work shifts of the aircraft plant. In the conduct of this transportation applicant uses six buses, four of 28- and two of 29-passenger capacity, which equipment is listed on Exhibit "D" attached to the application. The application does not disclose whether or not insurance is maintained on the vehicles, and likewise it is silent as to the

drivers of these vehicles. Applicant proposes to charge \$3.50 per week for each rider, and a proposed schedule of operations is attached to the application; likewise a map and financial statement are attached to the application.

The application points out that there has been and now is a demand for this type of service inasmuch as there are approximately 250 employees of the Douglas Aircraft plant now residing in Santa Ana, Orange, and Anaheim, and intermediate points, and these employees have no other public transportation. It is further alleged that the applicant does not propose to accept any other passengers and that there is no satisfactory existing common carrier service.

Notices of this application have been served upon the Cities of Santa Ana, Orange, and Anaheim, the Pacific Electric Railway Company, the Santa Ana-Huntington Beach Bus Line, the Santa Ana-Garden Grove Bus Line, the Cross Town Bus Lines, and the West Orange Transit Company. No protests have been received from any of these companies and there have been replies from the Cities of Orange, Santa Ana, and Anaheim, the Santa Ana-Garden Grove Bus Line, the West Orange Transit Company, and the Cross Town Bus Lines. Each of these replies indicated that there is no objection to the proposed service provided it is restricted against the hauling of passengers generally, and limited to the type of operations presently being performed.

After full consideration of this record, we hereby find that public convenience and necessity require the issuance of a certificate of public convenience and necessity to Albert Lipps to transport employees of the Douglas Aircraft plant near

Long Beach, between that plant and their places of residence, under the conditions as set out in the application.

Applicant will be required to file a schedule of fares, as described in the application, and will not be permitted to transport property. Likewise, he will be required to furnish evidence of the necessary insurance. The routes proposed to be followed, and which will be authorized herein, are set out in the application.

Albert Lipps 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 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 Albert Lipps authorizing the establishment and operation of a service as a passenger stage

corporation, as such term is defined in Section 226 of the Public Utilities Code, for the transportation of employees of the Douglas Aircraft Company when traveling between their residences and the Douglas Aircraft plant on Lakewood Boulevard near the city of Long Beach, between Santa Ana and the Douglas Aircraft plant on Lakewood Boulevard, near the city of Long Beach, via the routes hereinafter set out, serving all intermediate points.

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

- (a) No passengers shall be picked up or discharged between the intersection of Woodruff Avenue and Carson Street and the Douglas Aircraft plant, nor between the intersection of Garden Grove Boulevard and Huntington Beach Boulevard and the Douglas Aircraft plant, nor between the intersection of West 17th Street and Hellman Avenue and the Douglas Aircraft plant.
- (b) Schedules shall be in conformity with those set out in the opinion herein and shall not be changed except upon express authority from this Commission.
- (c) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (d) 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.
- (e) Subject to the authority of this Commission to change or modify such at any time, the service authorized herein shall be conducted over the following described routes:

Route 1:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, Chapman Avenue, in the city of Orange, U.S. Highway 101, Los Angeles Street in the city of Anaheim, Broadway, Kroger Street, Center Street, Lincoln Avenue, which becomes Carson Street near the community of Cypress, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same route.

Route 2:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, 17th Street, Verana Road, Garden Grove Boulevard, U.S. Highway 101 Alternate, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same route.

Route 3:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, 1st Street, Flower Street, 8th Street, Bristol Street, 5th Street, Harbor Boulevard, 1st Street, Newland Road, Hazard Avenue, Huntington Beach Boulevard, Westminster Avenue (also known as West 17th Street) and West 17th Street, Los Alamitos Boulevard, Garden Grove Boulevard, U.S. Highway 101 Alternate, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same route.

Route 4:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, 1st Street, Broadway, Wilshire Street, Flower Street, U.S. Highway 101, Los Angeles Street in the city of Anaheim, Center Street, Lincoln Avenue (which becomes Carson Street near the community of Cypress), Carson Street, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same route.

Route 5:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, 1st Street, Orange Avenue, Andrews Place, Flower Street, Edinger Street, Sullivan Street, 1st Avenue, Wright Street, Garden Grove Boulevard, U.S. Highway 101 Alternate, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same route.

Route 6:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, 1st Street, Huntington Beach Boulevard, Westminster Boulevard (also known as West 17th Street), West 17th Street, Los Alamitos Boulevard, Garden Grove Boulevard, U.S. Highway 101 Alternate, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same route.

Route 7:

Commencing at the intersection of 4th and McClay Streets in the city of Santa Ana, thence via 4th Street, Grand Avenue, 17th Street, Flower Street, U.S. Highway 101, Los Angeles Street in the city of Anaheim, Center Street, Lincoln Avenue (becomes Carson Street near the community of Cypress), Carson Street, Lakewood Boulevard to the Douglas Aircraft plant, and return via the same 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 inter-
sections, or in accordance with
local traffic rules.

(3) In all other respects the application shall be denied.

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

Dated at San Francisco, California, this
12th day of January, 1954.

R. F. [Signature]
President

Justin J. [Signature]

[Signature]

[Signature]

[Signature]
Commissioners