

Decision No. 50789

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLIAM A. JACKSON, doing business)
as a passenger stage line, for)
certificate of public convenience)
and necessity.)

Application No. 35779

William A. Jackson, for self. Forgy, Reinhaus,
Miller and Kegler, by Clark Miller, for protestant
Albert Lipps.

O P I N I O N

By this application, as amended, applicant seeks authority to establish and operate a passenger stage service for the transportation of employees of the Douglas Aircraft Company plant, situated near the intersection of Lakewood Boulevard and Carson Street in the City of Long Beach, who live in the vicinity of Garden Grove in Orange County.

A public hearing was held at Santa Ana before Examiner Mark V. Chiesa.

Applicant proposes to operate three station wagons, having a capacity of eight or nine persons, along two routes commencing at applicant's home, 13822 Harbor Boulevard, Garden Grove, and terminating at said plant. The proposed fare is \$3.50 per five-day week per person. Applicant, his wife and one other person drive the said station wagons. All are employed at said aircraft plant. Applicant is now carrying capacity loads. He is financially responsible and proposes to meet all the requirements of this Commission in the conduct of the proposed service.

Protestant Lipps operates a similar service between the Garden Grove area and said aircraft plant along several routes. It is his position that one of applicant's proposed routes is competitive with his operation at several points, and the second of applicant's routes is also competitive. Applicant's and protestant's routes were fully described and discussed at the hearing, and it appears from the evidence of record that applicant's Route No. 2 (hereinafter described) is not substantially competitive with protestant's service except at and near the intersection of Ninth Street and Garden Grove Avenue, at which point applicant has consented to a reasonable restriction. Applicant's proposed Route No. 1 intersects protestant's at several points. Applicant is willing to accept reasonable restrictions in the various areas. The evidence shows that applicant's present passengers do not originate along protestant's routes. In view of the character of the proposed service and the large area that will be served, a restriction of one-quarter of a mile at various intersections will afford protestant adequate protection.

Applicant does not propose any service along Route No. 2 north and west of the intersection of Chapman Avenue and Stanton Avenue, nor along Route No. 1 west of the intersection of Magnolia Avenue and Cerritos Avenue.

Having duly considered applicant's proposal, as well as the present operation of the protestant, we are of the opinion and find that public convenience and necessity require that applicant establish and operate a passenger stage service in the manner and upon the conditions and restrictions as hereinafter set forth.

William A. Jackson 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

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 William A. Jackson, 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 the Long Beach plant of said company and their residences in Garden Grove and the vicinity thereof, along the routes hereinafter described, and subject to the following conditions and restrictions:

- (a) Applicant shall not pick up or discharge any passengers within one-quarter mile of the following intersections:

Ninth Street and Garden Grove Boulevard,
Verano Street and Trask Avenue,
Westminster Avenue and Wright Street,
Trask Avenue and Wright Street,
Yockey Street and Garden Grove Boulevard,
Josephine Street and Garden Grove Boulevard.

- (b) Applicant shall not pick up or discharge any passenger north of the intersection of Chapman Avenue and Stanton Avenue (Route No. 2), nor west of the intersection of Magnolia Avenue and Cerritos Avenue (Route No. 1) except at the Douglas Aircraft Company plant in Long Beach, California.

(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 satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, William A. Jackson shall conduct said passenger stage operations over and along the following described route:

Route No. 1

Beginning at 13822 Harbor Boulevard in Garden Grove, thence along Harbor Boulevard, Trask Avenue, Mills Road, Woodbury Street, Taft Street (Nelson Street), Westminster Avenue, Wright Street, Trask Avenue, Yockey Street, Garden Grove Avenue, Josephine Avenue, Lampson Avenue, Magnolia Avenue, Cerritos Avenue and Lakewood Boulevard to Douglas Aircraft Company plant.

Route No. 2

Beginning at 13822 Harbor Boulevard in Garden Grove, thence along Harbor Boulevard, Garden Grove Boulevard, Lemonwood to Stanford Avenue and return to Garden Grove Boulevard, thence continuing along Garden Grove Boulevard, Ninth Street, Lampson Avenue, Nelson Street, Chapman Avenue, Stanton Avenue, Katella Avenue, Los Alamitos Boulevard, Cerritos Avenue, Spring Street and Lakewood Boulevard to the Douglas Aircraft Company plant.

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.

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

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1954.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Kenneth Pottor, being necessarily absent, did not participate in the disposition of this proceeding.