

ORIGINAL

Decision No. 56337

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 name of CROSS TOWN )  
BUS LINES, for authority to operate )  
over certain streets as extensions of )  
existing routes and for authority to )  
abandon certain portions of existing )  
routes. )

Application No. 39326

- James C. Carson, for applicant.
- James H. Lyons, for Metropolitan Coach Lines.
- William D. Bourne, for Southland Bus Lines, Inc.  
protestant.
- William F. Hibbard, for the Commission staff.

O P I N I O N

The preparation and presentation by the applicants in this matter are extreme examples of failure of a public utility to properly present its application for the Commission's consideration. The applicants had neither the required information nor exhibits at the first day of hearing and were totally unprepared to properly present their case although the date and place thereof had been agreed upon by their representative and the Commission over one month prior thereto, and, in addition, applicants had been contacted by the Commission staff and had been informed as to the necessity of the furnishing of certain information required by the Commission's rules. In the future such lack of preparation will result in a dismissal of the application.

The original application was filed on August 13, 1957, an amendment was filed at the first hearing on October 16, 1957, and a Second Amendment was filed on December 3, 1957, subsequent to the last day of hearing. Authority is sought to reroute and extend service to Whittier and Disneyland, and abandon portions of its line which presently extends between Fullerton, Placentia, Anaheim and Knott's Berry Farm in Orange County.

Public hearings were held before Examiner Kent C. Rogers in Anaheim on October 16, 1957, and in Los Angeles on November 12, 1957, at which time the application was submitted subject to the filing by applicants of an amendment to its amended application and an exhibit showing passenger checks at certain intersections. These items were filed on December 3, 1957, and the matter is ready for decision. Prior to the first day of hearing notice thereof was posted in the stages and termini of applicants, as required by the Commission.

Applicants' existing authority is set out in Decision No. 44520, dated July 11, 1950, in Application No. 31384, Decision No. 47331, dated June 24, 1952, in Application No. 33301, and Decision No. 50473, dated August 24, 1954, in Application No. 35537. They have no authority to deviate from the routes to serve schools. From time to time, without authority from this Commission, various portions of the authorized routes have been abandoned. The presently operated routes are shown on Exhibit A attached to the Second Amendment to the application. Two stages are used at present, and service is approximately hourly Monday through Friday with reduced service on Saturdays between Fullerton and the east portion of Anaheim. Service between Knott's Berry Farm, Freeway Park in Anaheim, and Placentia, is reduced to three or four trips per day due to the alternate routes served.

Proposed Services

The applicants propose four routes whereby service will be extended to Whittier, La Mirada and Disneyland, points not now served, and a direct route will be added between Fuller Park, a portion of the City of Fullerton, and Anaheim. Applicants have four 33-passenger buses to be used as regular equipment, and three 27-passenger buses to be used for emergency services. All buses will be garaged in Whittier, and applicants propose that on three of the routes (9, 11 and 12) they will pick up passengers en route from Whittier in the mornings and en route to Whittier at night. No increase in fares is sought, but applicants have no fares in their tariff for service to Whittier, La Mirada, or Disneyland, and did not submit their proposed fares for such service if authorized. For that reason, if no other, the request for authority to extend service to said points will be denied.

Applicants' proposed routes are described in Exhibit C in the Second Amendment to the application and are depicted on Exhibit A to said Second Amendment. The proposed schedules are shown on Exhibit No. 3 herein.

Applicants' proposed schedules provide generally for two-hour intervals between services via a particular line. However, due to overlapping services, service between Fuller Park (Fullerton), Placentia, and Knott's Berry Farm would be approximately hourly via Routes 9 and 10 which will operate on alternate hours. Also, due to the alternating of schedules of Routes 11 and 12, service between Fuller Park (Fullerton) and Anaheim via Brookhurst Street, Orange-thorpe Avenue, Nicholas Avenue and Euclid Avenue would be approximately hourly.

The present weekday mileage, including deadhead, is approximately 360. This will be increased to approximately 720 miles per day, if the requested authority is granted. At present applicants carry an average of approximately 430 passengers per day at an average fare of 15 to 20 cents, and their total revenues are approximately \$70 per day. Their witness estimated the out-of-pocket costs to be \$90 per day, or approximately 25 cents per mile. Under the proposed routings their expenses are estimated to be \$180 per day, or approximately 25 cents per mile, which will require that applicants carry approximately 1,200 passengers per day at an average fare of 15 cents to break even. Applicants hope to secure such increased patronage by advertising and through the help of the Anaheim and Fullerton Chambers of Commerce, and are of the opinion that they can break even in six weeks to two months and that they can increase their revenues by 300 percent.

Previous Unauthorized Abandonments of Service

Without authority from this Commission, applicants over one year ago abandoned the following portions of their routes:

1. Magnolia Avenue between Commonwealth Avenue and Valencia Drive (Fullerton).
2. Bradford Avenue between Orange Grove Avenue and Chapman Avenue (Placentia).
3. West Street between Water Street and Lincoln Avenue and Water Street between West Street and Palm Street (Anaheim).
4. Olive Street between La Palma Avenue and Center Street (Anaheim).

Inasmuch as applicants have not operated over the described segments of their routes for lengthy periods of time, and as there has been no public demand for resumption of such service, abandonment of said segments will be authorized.

School Service

The applicants propose to file a rule authorizing them to divert their regular buses or to run special buses to provide service to schools near their proposed routes (Page 1 of Appendix A to the application). They have a filed school rate of 10 cents. Applicants had no requests for such service from school authorities or parents. Such request will be denied.

Service between Whittier, Knott's Berry Farm and Disneyland

The request for authority to extend service between Whittier and the present terminus of applicants' line in Fullerton at the intersection of Commonwealth Avenue and Edward Avenue was predicated on the fact that applicants garage their buses in Whittier and that, therefore, they should be permitted to pick up and discharge passengers on the trips to and from the garage in Whittier. There was no evidence of any public demand for such service from Whittier or from points intermediate between Whittier and Fullerton, including La Mirada, nor were any proposed rates for such service stated. In addition, this request was opposed by Metropolitan Coach Lines which provides service between Whittier, Fullerton and Anaheim. This portion of the application will, therefore, be denied.

Applicants also propose to extend service between Knott's Berry Farm (Buena Park) and Disneyland by extending services approximately two miles south to the west entrance to Disneyland. They gave no proposed rates to the latter point. There was no evidence of any request for, or need for, additional services to Disneyland. Metropolitan Coach Lines serves Disneyland more frequently than applicants propose to serve (Exhibit No. 6). This portion of the application will also be denied.

The Proposed and Revised Routes  
between Fullerton and Anaheim

The balance of the application concerned proposed re-routings and extensions in applicants' present service area, and was not opposed. Witnesses testified as to the desirability of the proposed changes. It was their opinion that the proposals would result in more efficient operations and would better serve the public convenience and necessity.

Conclusion

A consideration of all the evidence presented at the hearing leads us to the conclusion, and we find, that public convenience and necessity require that applicants extend service as set out herein, and that the abandonments of service herein authorized are not adverse to the public interest. We further find that public convenience and necessity do not require that applicants extend service to Whittier, La Mirada or Disneyland, and such authority will be denied. We further find that public convenience and necessity do not require that applicants be authorized to deviate from their routes to provide school service, and such portion of the application will also be denied.

The authority herein granted will be in lieu of the authority granted by Decisions Nos. 44520, 47331 and 50473, which certificates will be cancelled as of the effective date of the order herein.

O R D E R

An application having been filed, public hearings having been held thereon, and it having been found that public convenience

and necessity require that applicants provide service via designated routes, and that certain abandonments of service are not adverse to the public interest,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Dean, William K. and David M. Carson, individuals doing business as Cross Town Bus Lines, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers and their baggage between the termini and all points intermediate thereto and over the routes as described and specified in Appendix A which is attached hereto and by this reference made a part hereof, subject to the provisions and restrictions contained therein.

(2) That the certificate of public convenience and necessity granted in paragraph (1) of this order supersedes all presently existing certificates of public convenience and necessity or other passenger stage operative rights held by applicants.

(3) That in providing service pursuant to the authorization herein granted, applicant shall comply with and observe the following regulations:

- a. Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98, may result in a cancellation of the operating authority granted by this decision.
- b. Applicants shall comply with the provisions of General Orders Nos. 79 and 98 by filing in triplicate, and concurrently making effective, appropriate tariffs and timetables satisfactory to the Commission within thirty days after the effective date hereof and on not less than one day's notice to the Commission and the public.

(3) That prior to the inauguration of the service herein authorized applicants shall post appropriate notices in all of their buses and at each stop where service is to be discontinued, advising the public of the changes in routings and showing the new routings. Such notices shall remain posted for not less than ten days prior to any change in service.

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

Dated at San Francisco, California,  
this 11<sup>th</sup> day of March, 1958.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]

Commissioners



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Appendix A

Original Page 1

DEAN, WILLIAM K. and DAVID M. CARSON, individuals  
(doing business as Cross Town Bus Lines)

ROUTE NO. 9 - FULLERTON-ANAHEIM-KNOTT'S BERRY FARM via  
PLACENTIA-LAJOLLA STREET-ROMNEYA DRIVE

Beginning at the intersection of Brookhurst Street and Commonwealth Avenue, thence in a counter-clockwise loop along Commonwealth Avenue, Edward Avenue, Valencia Drive and Brookhurst Street to Commonwealth Avenue; thence along Commonwealth Avenue, Harvard Avenue, Chapman Avenue, Bradford Avenue, Placentia-Yorba Road, Melrose Street, Orangethorpe Avenue, Placentia Avenue, Romneya Drive, East Street and Center Street to its intersection with Palm Street; thence from the intersection of Center Street and Palm Street in a clockwise loop along Center Street, Lincoln Avenue, Grand Avenue, La Palma Avenue and Palm Street to its intersection with Center Street.

Issued by California Public Utilities Commission.

Decision No. 56237, Application No. 39326.

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Appendix A

Original Page 2

DEAN, WILLIAM K. and DAVID M. CARSON, individuals  
(doing business as Cross Town Bus Lines)

ROUTE NO. 10 - KNOTT'S BERRY FARM-ANAHEIM-FULLERTON via  
LA PALMA-LA JOLLA-PLACENTIA-FULLER PARK

Beginning at the intersection of Palm Street and Center Street, thence in a counter-clockwise loop along Palm Street, La Palma Avenue, Grand Avenue, Lincoln Avenue, and Center Street to its intersection with Palm Street, thence along Center Street, East Street, La Palma Avenue, Placentia Avenue, La Jolla Street, Tofolla Street, Melrose Street, Placentia-Yorba Road, Bradford Avenue, Chapman Avenue, Harvard Avenue, and Commonwealth Avenue to its intersection with Brookhurst Street, thence in a counter-clockwise loop along Commonwealth Avenue, Edward Avenue, Valencia Drive and Brookhurst Street to its intersection with Commonwealth Avenue.

Issued by California Public Utilities Commission.

Decision No. 54337, Application No. 39326.

DEAN, WILLIAM K. AND DAVID M. CARSON, individuals  
(doing business as Cross Town Bus Lines)

ROUTE NO. 11 - FULLERTON-ANAHEIM

Beginning at the intersection of Raymond Avenue and Chapman Avenue, thence in a clockwise loop along Raymond Avenue, Dorothy Lane, Acacia Street and Chapman Avenue to its intersection with Raymond Avenue, thence along Raymond Avenue, Commonwealth Avenue, Brookhurst Street, Orangethorpe Avenue, Nicholas Avenue, Euclid Avenue, Ball Road, Harbor Boulevard, Palm Street, Center Street, Placentia Avenue and Vermont Avenue to its intersection with East Street.

Issued by California Public Utilities Commission.

Decision No. 56227, Application No. 39326.

DEAN, WILLIAM K. and DAVID M. CARSON, individuals  
(doing business as Cross Town Bus Lines)

ROUTE NO. 12 - BUENA PARK-ANAHEIM

Beginning at the intersection of Edward Avenue and Commonwealth Avenue in Fullerton, thence along Commonwealth Avenue, Brookhurst Street, Orangethorpe Avenue, Nicholas Avenue, Euclid Avenue, Ball Road, Harbor Boulevard, Palm Street, Center Street, Anaheim-Olive Road, Flacentia Avenue and Vermont Avenue to its intersection with East Street.

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.

END OF APPENDIX A

Issued by California Public Utilities Commission.

Decision No. 50237, Application No. 39326.