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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Application of Dominic A. Mannino DBA M & M CHARTER LINES to extend Wilmington to Hollywood Park Race Track Route: alter San Pedro to Santa Anita Race Track Route: abandon Long Beach Sightseeing Tours: provide school bus service to Holy Trinity School in San Pedro: provide bus service from all berths in the Los Angeles Harbors to Los Angeles International Airport and intermediate points: provide bus service from the Cities of Norwalk, Fullerton, Anaheim and Santa Ana, California to San Ysidro, California, Disneyland and vicinity to Catalina Steamship Terminal in Wilmington, California.

Application
No. 42797

George M. Stephenson, for applicant.
John D. Maatta, for The Greyhound Corporation,
Western Greyhound Division, protestant.
Musick, Peeler and Garrett, by Charles H.
Tillingbest, for Los Angeles Metropolitan
Transit Authority, protestant.
Fred C. Ballenger, for the Commission's staff.

OPINION ON FURTHER HEARING

As required by Decision No. 61590, dated February 28, 1961, in the above-entitled application, a public hearing was held before Examiner Kent C. Rogers in Los Angeles on March 8, 1961, evidence was presented and the matter was submitted subject to the filing of Exhibit No. 11 by protestant, The Greyhound Corporation. This exhibit was filed and the matter is ready for decision.

Decision No. 61590, supra, restricts the hearing herein to the determination of whether or not applicant should render service as a passenger stage corporation (1) between Norwalk, Fullerton, Anaheim, and Santa Ana, on the one hand, and San Ysidro, on the

other hand, said service to be provided on racing days only at Agua Caliente, Mexico, and (2) between Orange County points, on the one hand, and the Catalina Steamship Terminal, on the other hand.

Orange County Points to San Ysidro

Applicant requests authority to provide a race track service on racing days only between the City of Norwalk in Los Angeles County, and Fullerton, Anaheim and Santa Ana in Orange County, on the one hand, and the San Ysidro port of entry, on the other hand. Fares will be \$5 per round trip, including tax, from any of the listed cities.

There will be one trip in the morning in time for the first race and the stage will return the passengers to the origin point after the last race. The applicant has the facilities with which to provide the service.

Applicant called in support of his request a resident of Buena Park and a resident of Santa Ana. These witnesses stated they would use the proposed service; that they go to the races frequently; and that they do not know of any present service. They also stated that they would use such service if provided by the protestant, The Greyhound Corporation.

Applicant also had in the courtroom three other witnesses who, it was stipulated, would testify substantially the same as the two witnesses called. These witnesses reside in Anaheim and Santa Ana.

Applicant also listed 13 parties residing in Garden Grove, Orange, Fullerton, Downey, Santa Ana, Placentia, Santa Fe Springs or Pico Rivera, and it was stipulated they would testify to the

same effect as the prior called or listed parties, if called as witnesses, and that if not residing at a point proposed to be served by applicant, they would use other transportation to reach a service point.

The Greyhound Corporation protested on the ground it presently provides a service duplicating that proposed by applicant. At the time of the hearing this company had a service from Los Angeles to the port of entry, arriving there in time for the passengers to attend the races and leaving the port of entry shortly after the races. It was shown that this service requires a transfer in San Diego and a delay of 20 to 30 minutes at said point (Exhibit No. 10). The protestant stated, however, that in view of the demand for said service it would provide the proposed service. After the hearing it furnished to the Commission Exhibit No. 11 herein which contains tariff sheets effective March 18, 1961, pursuant to which a direct race track service is provided between Fullerton, Anaheim and Santa Ana, on the one hand, and San Ysidro, on the other hand, this service to be in effect on racing days only, and is a direct service without a transfer. Fares are \$4.99 per round trip, including tax, to and from either Fullerton, Anaheim or Santa Ana.

Section 1032 of the Public Utilities Code provides, among other things, that:

"The Commission may, after hearing, issue a certificate to operate in a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporations serving such territory will not provide such service to the satisfaction of the Commission."

In view of the fact that The Greyhound Corporation was serving the proposed route at the time the application herein was filed, that it has committed itself to provide the service, and that the only thing required to be done was the filing of new tariff sheets, which filing has been made, there is nothing in the record to show that The Greyhound Corporation will not provide the service to the satisfaction of the Commission. Therefore the application relative to the San Ysidro service will be denied.

Between Orange County Points
and Catalina Terminal

By the application, applicant requests authority to carry passengers from the Disneyland Hotel and motels in the vicinity thereof in Orange County, on the one hand, to the Catalina Steamship Terminal in Wilmington, on the other hand. This service is to be seasonal with regular service between June 15 and September 15, annually, with one schedule in the morning to coincide with the steamship's departure time and one schedule at night to coincide with the ship's arrival time. During the balance of the year between September 15 and June 15, service will be on call for a minimum of 15 passengers per trip.

Fares will be \$2.50 for the round trip, including tax, and children will be charged 60 percent of the adult fare. Service will be provided by the most direct route, with no intermediate service being provided between the termini. Applicant has the equipment to provide the service and appears financially able to do so.

Representatives of ticket agencies testified that there is a demand for a direct service from Orange County points in the vicinity of Disneyland to the Catalina Steamship Terminal.

The protestant, Metropolitan Transit Authority, acquired Cross Town Suburban Bus Lines prior to February 15, 1961. Effective on February 15, 1961, it modified the routes of the Cross Town services between Disneyland and Marineland to provide service between the Catalina Terminal and Disneyland (Exhibits Nos. 8 and 9).

Metropolitan Transit Authority will provide one trip to and from the terminal daily, for the period of June 15 to September 15, annually.

Its fares will be the same as those proposed by the applicant, that is, \$2.50 per round trip, including tax, for adults.

In Los Angeles Metropolitan Transit Authority vs. Public Utilities Commission, 52 Cal. 2d 655, at 665, the State Supreme Court stated:

"To permit the certification of new privately operated public transit need not interfere with the ultimate achievement of a single integrated system operated by the Authority. It must be assumed that the Commission will give heed to that legislative objective and not authorize privately owned carriers to provide services that the Authority is willing and able to provide and that the Commission will not thereby impede the growth of the Authority's system."

This portion of the application, therefore, also will be denied for the reason that the Metropolitan Transit Authority is presently providing the same service, or a very similar service, as that proposed by the applicant.

ORDER ON FURTHER HEARING

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that the portion of the application in which authority is sought to provide service between Orange County points and the Catalina Steamship Terminal, and to provide service

between Fullerton, Norwalk, Anaheim and Santa Ana, on the one hand,
and San Ysidro, on the other hand, is denied.

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

Dated at San Francisco, California, this 25th
day of April, 1961.

George H. Brown
President

W. E. Smith
E. J. Fox

George H. Brown

Fredrick B. Halaloff
Commissioners