

ORIGINAL

Decision No. 64190

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CERTIFIED CHARTER BUSES, INC., )  
doing business as CALIFORNIA CHARTER )  
BUSES, for a certificate of public )  
convenience and necessity for a )  
passenger stage service to the )  
Pasadena Tournament of Roses Parade )  
and the Pasadena Rose Bowl. )

Application No. 44223  
(Filed February 26, 1962)

Daniel Thomas Shelley, for Certified Charter Buses, Inc., dba California Charter Buses, applicant.  
Karl K. Roos, for Tanner Motor Tours, Inc.;  
Charles H. Tillinghast, for Los Angeles Metropolitan Transit Authority; and Grover L. Markham, for Long Beach Motor Bus Company, protestants.  
Henry E. Jordan, for Bureau of Franchises and Public Utilities, City of Long Beach, interested party.  
Fred G. Ballenger, for the Commission staff.

O P I N I O N

Certified Charter Buses, Inc., a California corporation, doing business as California Charter Buses, is a recently incorporated company organized and wholly owned by H. A. Shelley and members of his family. This is its first application to the Commission. H. A. Shelley, doing business as Wilmington Bus Company, has been operating as a passenger stage corporation in the Wilmington and San Pedro areas for many years and by Decision No. 59770 is now authorized to transport passengers, generally, in the Wilmington, San Pedro, and Torrance areas and, on New Year's day only, between

several South Bay and San Pedro area communities and Pasadena, as more specifically set forth in said decision.

By this application authority is sought to transport passengers on a round-trip basis, on New Year's Day only, to the Rose Bowl and Pasadena Tournament of Roses Parade, from Long Beach, Signal Hill, Lakewood, Bellflower and Paramount, some ten points of pickup and discharge within the said communities having been designated.

The application has been protested by Tanner Motor Tours, Ltd., Los Angeles Metropolitan Transit Authority and Long Beach Motor Bus Company.

A public hearing was held in Long Beach on May 4, 1962, before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

The record shows that there is no direct service, such as proposed by applicant, between any of the points proposed to be served, or the vicinity thereof, and the Rose Bowl or the Tournament Parade, except from the downtown business section of Long Beach where both Tanner Motor Tours, Ltd., and the Metropolitan Transit Authority serve, and North Long Beach, which is also served by the Authority. Long Beach Motor Bus Company has no service to Pasadena and its protest is based on whatever transfer or feeder passengers it might transport in the early hours on New Year's Day to downtown Long Beach. Metropolitan Transit Authority's direct service is on its Line No. 61 which operates from its depot in downtown Long Beach, thence northerly along Long

Beach Boulevard and Atlantic Boulevard. It does not operate a direct round-trip service, such as applicant proposes, from any of the other communities designated by applicant. Tanner Motor Tours, Ltd., operates a so-called "package trip" (fare and football and/or parade ticket combination) between downtown Long Beach and Pasadena (Pasadena Tour No. 901, Decision No. 40637).

The evidence does not justify a finding that there is a public need for additional New Year's Day service between downtown Long Beach and Pasadena, nor between any point along Long Beach Boulevard and/or Atlantic Boulevard, within the City of Long Beach, which is served by the Metropolitan Transit Authority.

Applicant will reserve bus seats for its passengers in advance and, as an accommodation but not as part of the transportation service, will procure seats for the parade or football game, if available. Several witnesses testified that there is a need for the service. Except from Long Beach, there is no other comparable service.

From the evidence, we find that public convenience and necessity require applicant's proposed service between Pasadena, on the one hand, and points and places within the area bounded by Cherry Avenue and Garfield Avenue on the west, Rosecrans Boulevard on the north, the San Gabriel River on the east, and the Pacific Ocean on the south, and points and places within the area bounded by Alameda Street on the west, Carson Street on the north, the Los Angeles River channel on the east, and Anaheim Street on the south, on the other hand.

Applicant's proposed points of pickup and discharge within said areas will be at or near the following intersections:

Long Beach

Santa Fe Avenue and Willow Street  
Second Street and Granada Avenue  
Cherry Avenue and Anaheim Street  
Bellflower Boulevard and Stearns Street  
Palo Verde Avenue and Carson Street

Lakewood

Lakewood Boulevard and Hardwick Street

Bellflower

Bellflower Boulevard and Flower Avenue

Paramount

Paramount Boulevard and Jackson Street

Applicant requests authority to change the points of service to meet the public convenience by amending its tariff.

A financial statement filed with the application shows applicant's condition as of January 31, 1962, as follows: Total Assets \$50,088.26; Total Liabilities \$29,884.55; Net Worth \$20,203.71, represented by Capital Stock Outstanding \$20,000, Surplus \$203.71. Applicant has personnel experienced in the transportation of passengers to special events and owns equipment which is adequate for the proposed service.

The application will be granted in part and denied in part as hereinafter set forth.

Certified Charter Buses, Inc., is hereby placed on 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, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

An application having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be, and it hereby is, granted to Certified Charter Buses, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and hereby made a part hereof.

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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98 and insurance requirements of the

Commission's General Order No. 101-A. 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 Orders Nos. 98 and 101-A, may result in a cancellation of the operating authority granted by this decision.

- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file in the Commission's office in triplicate tariffs and timetables satisfactory to the Commission.
- (c) The tariff and timetable filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98.

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

Dated at San Francisco, California, this 4th day of SEPTEMBER, 1962.

George J. Grover  
President

[Signature]

[Signature]

Fredrick B. Holsclaff

Commissioners

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

Certified Charter Buses, Inc., by this certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport persons between points within the areas described herein, on the one hand, and the City of Pasadena, on the other hand, along routes as hereinafter described.

Subject to the authority of this Commission to change or modify said passenger stage operation at any time, applicant shall conduct said operation over and along the most direct and convenient routes, in accordance with local traffic regulations, and subject to the following additional conditions and restrictions:

- a. Transportation herein authorized shall be rendered only for persons desiring to attend the New Year's Day Tournament of Roses Parade and/or Rose Bowl Game.
- b. Passengers shall be picked up and discharged in accordance with local traffic rules only at points within the areas described herein and named in applicant's tariff.

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The areas within which applicant may establish points of pickup and discharge of passengers are as follows:

1. That area bounded on the west by Cherry Avenue and Garfield Avenue, on the north by Rosecrans Boulevard, on the east by the San Gabriel River, and on the south by the Pacific Ocean shoreline.
2. That area bounded on the west by Alameda Street, on the north by Carson Street, on the east by the Los Angeles River, and on the south by Anaheim Street.

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