

ORIGINAL

Decision No. 68023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GRANT L. McDIARMID, doing business as)
PYRAMID TOURS, for certificate of)
public convenience and necessity to)
operate passenger-stage service be-)
tween Anaheim and various points of)
interest in Southern California.)

Application No. 46784

(Filed July 7, 1964)

C. Arthur Nisson, for applicant.
Musick, Peeler & Garrett, by Leonard E. Castro, for the Los Angeles Metropolitan Transit Authority; Donald W. Boyles, for Airport Coach Service; Russell and Schureman, by Robert W. Hancock, for Transcontinental Bus System, Inc., and American Bus Lines, Inc.; John L. Hughes, for Tanner Motor Tours, Ltd., protestants.
T. V. Tarbot, by K. D. Walpert, for the City of Los Angeles, interested party.
William R. Kendall, for the Commission staff.

O P I N I O N

A public hearing on the above-entitled application was held before Examiner Rogers in Anaheim, California, on August 19, 1964, evidence was presented, and the matter was submitted. At the hearing, the applicant amended his application by deleting ten of his proposed tours.

Applicant seeks authority to transport passengers and incidental baggage between the Pyramid Motel, located at 410 West Katella Avenue, Anaheim, on the one hand, and various points in Orange, Los Angeles and Riverside Counties, on the other hand.

The principal reason for seeking the certificate is to help attract customers to the motel, which he owns.

He proposes two types of service:

(1) Point to point services, originating at the motel, and terminating at various points. The proposed rates will vary from 50 cents per trip to Disneyland to \$12 per trip to points in Hollywood, Los Angeles County. The charges are to be for the use of the vehicle and driver, and the fares are for one-way service only. The return fare would be the same as the going fare.

(2) Touring services, based on a fare per person, with a minimum of four persons per tour and with rates varying from \$2.00 per person for a tour to points in Orange County to \$5.50 for a tour to points in Riverside County.

Children under 12 years of age, excluding babes in arms, will be carried for one half of the adult fare.

Applicant has and will use in the service one 1964 Chevrolet Greenbriar vehicle which will carry nine passengers and has a large luggage space. He has made arrangements for an alternate vehicle if this bus is unavailable at any time.

Applicant submitted a financial statement (Exhibit E) which shows that as of July 2, 1964, he had a net worth of \$109,261 and that the bus was clear of indebtedness. Since that time he has increased his net worth by approximately \$4,000 by reducing trust deeds on the motel.

Applicant has not calculated any results of operations but simply stated that he believed he could make a profit of \$2,500 to \$3,000 per year from the proposed service.

It is the applicant's intention to provide direct service from his motel at 410 West Katella Avenue, Anaheim, to the various points of interest heretofore referred to. His method of operation is not clear, but he intends to accommodate guests of his motel principally. If he has additional room he will carry persons who are not guests.

As can be seen from the application, applicant intends to provide service to a large portion of Orange County, plus some points in Los Angeles and Riverside Counties. Most of the points he intends to serve are on or adjacent to points served by the Los Angeles Metropolitan Transit Authority (M.T.A.), which provides scheduled services between Los Angeles and Santa Ana, and between Orange County points and Long Beach, and to and from most of the points of interest applicant intends to serve. Applicant said he decided to seek the authority after talking to his customers and various travel agents. He stated at one time that he will require 24 hours' notice for service, at another time that the various types of service will be rendered on alternate days.

The only parties who appeared as witnesses in his behalf were two motel owners, neither of which has a motel on a direct route of M.T.A. These parties find it necessary to transport these motel visitors, who do not have cars, to points where they can secure public transportation.

The M.T.A. furnishes service between Los Angeles and Santa Ana seven days a week via Line 58, with reduced service on Saturdays, Sundays and holidays. On weekdays 41 schedules from Los Angeles go past applicant's motel; 13 of these schedules go

from applicant's motel to Disneyland. In the reverse direction, 10 schedules daily originate at Santa Ana and go to Knott's Berry Farm and pass applicant's place of business. The M.T.A. also has service via its Line 124, which has four schedules each day past applicant's motel to Disneyland. Applicant stated he cannot decipher the M.T.A. timetables and that he has tried to call that carrier for information and had little success. M.T.A.'s witness stated that the telephone numbers listed on the schedules may be called toll free and that anyone who cannot solve the schedules may secure whatever information he needs by calling a toll free number.

Upon the evidence herein, we find that:

1. Applicant operates a motel in Anaheim on M.T.A.'s Lines 124 and 58 and both lines have pick up and discharge points for passengers in the immediate vicinity of said motel.

2. On weekdays 13 Line 58 schedules from Los Angeles to Disneyland pass in front of applicant's place of business between 9:39 a.m. and 10:00 p.m.; on weekdays 10 such Line 58 schedules from Santa Ana to Disneyland or Knott's Berry Farm pass applicant's place of business.

3. On weekdays four schedules in each direction go between Knott's Berry Farm and Disneyland and pass applicant's place of business.

4. Applicant has adequate finances with which to maintain the proposed services for a reasonable length of time if he is granted the requested authority.

5. Applicant has only a nine-passenger, 1964 model Chevrolet with which to render the proposed service; he has a standby vehicle available if needed; he proposes service between major points in Orange County, plus points in Los Angeles and Riverside Counties; some principal tours will require as much as six hours and a trip of approximately 90 miles; applicant could not render the service he proposes with the equipment he has and proposes to have available.

6. There is nothing in the record to show the amount of traffic or the revenues available to applicant from the proposed service; there is nothing in the record to show any estimated results of operation from the proposed service; there is no showing in the record of any public demand for any service as proposed by applicant.

7. There is presently a passenger carrier in the field providing service between the Orange County points proposed to be served by applicant; there is a carrier in the field providing service between some of the other points proposed to be served by applicant; there is nothing in the record to show that the existing services fail to meet the public convenience and necessity.

8. Neither public convenience nor necessity require that applicant be granted the authority he has requested.

We conclude that the application should be denied.

ORDER

IT IS HEREBY ORDERED that the application herein be and the same hereby is denied.

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

Dated at San Francisco, California, this 13th day of OCTOBER, 1964.

Frederick B. Hallock
 President

John E. Mitchell

George G. Grover

William W. Daniels

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.