

ORIGINAL

Decision No. 69727

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLINGHAM BUS LINES, INC.,)
a corporation, for a Certificate of)
Public Convenience and Necessity)
to operate "on call" bus service be-)
tween San Diego, California, and)
Disneyland (Anaheim, California).)

Application No. 47470
(Filed April 2, 1965)

Lewis H. Silverberg, for applicant.
McCutchen, Doyle, Brown, Trautman
& Enersen, by Craig McAtee, for
Greyhound Lines, Inc., Western
Greyhound Lines Division; and
John L. Hughes, for Tanner Motor
Tours, Ltd., protestants.
W. R. Kendall, for the Commission
staff.

O P I N I O N

Applicant requests authority to operate a round-trip passenger stage service between its terminal at 4437 Twain Avenue, San Diego, and Disneyland in Anaheim, California. Said terminal is located in the City of San Diego in a district formerly known as Grantville, which is situated between the Mission San Diego de Alcada and San Diego State College.

Applicant proposes to operate "on-call" service for fifteen or more adult passengers. Round-trip fares will be \$4.50 for adults and \$2.25 for children two to twelve years of age. Appropriate equipment is owned and will be used. The route is via Twain Avenue, Mission Gorge Road, U. S. Highway No. 80, U. S. Highway No. 101, Katella Avenue, Anaheim, California,

thence to the Disneyland parking space for buses, and return via the same route. Applicant proposes one schedule per day, leaving San Diego at 9 a.m. and returning from Disneyland at 9 p.m. More than one bus will be operated on this schedule when necessary to meet public demand.

The application was protested by Greyhound Lines, Inc., and Tanner Motor Tours, Ltd.

A public hearing was held before Examiner Chiesa on July 15, 1965, at San Diego.

The evidence shows that:

Applicant is an experienced operator of passenger buses, having held a charter party permit since February 26, 1963, and a passenger stage certificate of public convenience and necessity for "on-call" service between schools in the San Diego area and Camps Davidson, Cuyamaca and Palomar (Decisions Nos. 59451 and 60149) since May 24, 1960; and is financially responsible (Exhibits D and E, filed with the application). Applicant owns and operates 19 buses and has 4 additional buses on order. "Flexible" buses, having a capacity for 41 passengers, will be used in this service.

Several witnesses testified that a public need exists for the proposed service, and applicant's vice president and general manager testified that in the course of applicant's business as a charter party carrier, many persons inquire concerning transportation to Disneyland and return on an individual fare basis. Between January 1964 and May 1965, applicant transported 14,145 passengers on charter trips between San Diego and Disneyland (Exhibit No. 2).

Protestants base their objections to the granting of this application on the ground that they are now authorized to operate between San Diego and Disneyland.

Western Greyhound Lines Division of Greyhound Lines, Inc., operates several daily morning and afternoon schedules between San Diego and Santa Ana, and similar schedules between Santa Ana and San Diego. From two to three of said schedules leave downtown San Diego in the mornings. Persons desiring to go to Disneyland must transfer at Santa Ana to a Southern California Rapid Transit District bus and pay an additional fare. On the return trip said procedure is reversed. The one-way fare between San Diego and Santa Ana is \$2.53 and between Santa Ana and Disneyland the fare is 41 cents, or a round-trip fare of \$5.88.

Tanner Motor Tours, Ltd.'s position is that it operates a seasonal service between San Diego and Disneyland pursuant to the authority granted by this Commission in Decision No. 56841. Exhibits Nos. 3 and 8 show that a service has been operated once a week, on Wednesdays, between June 17, 1964, and July 7, 1965, averaging 12.3 passengers per trip. A round-trip fare of \$8.50 is charged.

Decision No. 56841, Appendix A, Original Page 1, provides, in part, as follows:

"Tanner Motor Tours, Ltd., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport persons between the Cities of San Diego and Coronado, on the one hand, and the City of Los Angeles, on the other hand, subject to the following conditions:

"(a) All persons must be transported on a round-trip or circular tour basis originating in the Cities of San Diego and Coronado."
(Emphasis added.)

A portion of the route is described as follows:

"; northwesterly along the Santa Ana Freeway to the City of Los Angeles; visiting points of interest enroute, such as Knott's Berry Farm and Disneyland."

Said decision authorizes a round-trip sightseeing tour along a described route and does not authorize a round-trip service between San Diego and Disneyland, although the usual temporary sightseeing stops may be made en route, including the one at Disneyland.

Having considered the evidence, the Commission finds that:

1. Public convenience and necessity require applicant's proposed passenger stage operation.
2. Tanner Motor Tours, Ltd., is not authorized to operate a regular passenger stage service between San Diego and Disneyland. However, it is authorized to make a temporary sightseeing stop at Disneyland when operating on a round-trip or circular tour basis between San Diego and Los Angeles as particularly set forth in Decision No. 56841 and Appendix A thereof.

We conclude that the proposed service is in the public interest and that the application should be granted. For clarification, an in-lieu certificate incorporating all the operative rights heretofore granted to applicant will be issued.

Willingham Bus Lines, Inc., a corporation, 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Willingham Bus Lines, Inc., 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 particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe 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 it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules of the California Highway Patrol, the 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 safety rules, or 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 tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten 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 93.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all existing certificates of public convenience and necessity authorizing the transportation of passengers heretofore granted to or acquired by Willingham Bus Lines, Inc., and presently possessed by it, which certificates shall be revoked effective concurrently with the effective date of the tariff and timetable filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 28th day of SEPTEMBER, 1965.

Frederick B. Whitely
President
Augustin
William W. Brundage

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

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

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Appendix A

WILLINGHAM BUS LINES, INC.
(a corporation)

Original Page 1

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges applicable thereto.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under authority of Decision No. 69727
dated SEP 22 1965, of the Public Utilities Commission
of the State of California, on Application No. 47470.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

The certificate hereinafter noted supersedes all operative authority heretofore granted to Willingham Bus Lines, Inc. Willingham Bus Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between, the Willingham Bus Lines, Inc., terminal (4437 Twain Avenue, San Diego) on the one hand, and Disneyland, on the other hand, and the City of San Diego and contiguous cities, on the one hand, and Camps Davidson, Cuyamaca and Palomar, on the other hand, all on an on-call basis, over and along the route hereinafter described, subject to the following conditions and restrictions:

- (a) When route descriptions are given in one direction they apply to operations in either direction unless otherwise indicated.
- (b) Service to Disneyland shall be limited to the transportation of round-trip passengers, originating at the the Willingham Bus Lines, Inc., terminal (4437 Twain Avenue, San Diego).
- (c) Service to camps shall be limited to grade school pupils or children attending summer camps and attendant school or camp personnel, and must be destined to or originate at the named camps and must embark or disembark at schools or other central loading points.
- (d) Service shall be operated on an on-call basis subject to a minimum number of passengers as follows:

Disneyland	15
Camp Davidson	20
Camp Cuyamaca	30
Camp Palomar	30
- (e) Conditions of on-call service shall be shown in timetables and tariffs of Willingham Bus Lines, Inc.

Issued by the California Public Utilities Commission.

Decision No. 69727, Application No. 47470.

SECTION 2. ROUTE DESCRIPTIONS.

Subject to the authority of this Commission to change or modify such at any time, Willingham Bus Lines, Inc., shall conduct said passenger stage operations over and along the following described routes:

1. Disneyland

Commencing at the Willingham Bus Lines, Inc., terminal (4437 Twain Avenue, San Diego), thence along Twain Avenue, Mission Gorge Road, U. S. Highway 80, U. S. Highway 101, Katella Avenue to Disneyland parking area.

2. Camp Davidson

Commencing in the City of San Diego and contiguous cities, thence along the most appropriate and direct route or routes.

3. Camp Cuyamaca

Commencing in the City of San Diego and contiguous cities from the various schools, via the shortest route to U. S. Highway 80, thence via U. S. Highway 80 to its junction with California State Highway 79, thence via California State Highway 79 to Camp Cuyamaca.

4. Camp Palomar

Commencing in the City of San Diego and contiguous cities from the various schools, via the shortest route to U. S. Highway 395, thence via U. S. Highway 395, Grand Avenue in the City of Escondido, Valley Boulevard, and Valley Center Road to Rincon, thence via California State Highway 76, Palomar Mountain Road, and State Park Road to Camp Palomar.

Issued by the California Public Utilities Commission.

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