

ORIGINAL

Decision No. 70162

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of DONALD B. EBERT for authority)
to reroute and extend presently)
authorized service between)
Laguna Beach and Disneyland.)

Application No. 47797
(Filed August 6, 1965)

Baird B. Coffin, for applicant.
H. C. Beardsley and David D. Canning, for
Southern California Rapid Transit District,
protestant.
Regina Reiner, for Laguna Transit Co.;
Harris F. King, for Courtesy Cab Co., Inc.;
and Florence Hanna, for Leisure World
Residents; interested parties.
William R. Kendall, for the Commission staff.

O P I N I O N

This application was heard before Examiner DeWolf at Laguna Hills, California, on October 13, 1965, on which date it was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules.

Applicant Donald B. Ebert, is presently operating a passenger stage pursuant to a certificate of public convenience and necessity granted by Decision No. 63819, dated June 15, 1962, transporting passengers and their baggage between the City of Laguna Beach and Disneyland, California. Applicant requests authority to reroute and extend said service as follows:

Commencing at a point, or points, within the City of Laguna Beach, thence along city streets to Laguna Canyon Road, thence along Laguna Canyon Road to El Toro Road, thence along El Toro Road to the community of Laguna Hills, thence along El Toro Road, the Santa Ana Freeway, U. S. Highway No. 101, Harbor Boulevard, Katella Avenue and West Street to Disneyland, returning via the reverse of the above route.

Applicant will pick up and discharge passengers in the City of Laguna Beach, the community of Laguna Hills, and Disneyland, and will designate pickup and discharge points in his tariff.

The proposed fares to be assessed for this extended service, and the regulations governing them, are as follows:

Between Laguna Beach and Laguna Hills - One-way Adult Fare	\$ 1.00
Between Laguna Hills and Disneyland - One-way Adult Fare	\$ 2.00
Between Laguna Beach and Disneyland - One-way Adult Fare	\$ 3.00
Between Laguna Beach and Disneyland - Round trip Adult Fare (Adults only)	\$ 5.00
Children - ages 5 through 11 - One-half Adult Fare	
Children - under 5 years - Free	

The applicant testified that he has the funds to maintain the service, will make four round trips each day, provide transportation for all persons who present themselves on schedule by securing larger or additional equipment when necessary; that passengers' baggage will also be accommodated; that assistance in handling the baggage will be furnished; that he is presently and has been since June 1962, operating under his certificate from Laguna Beach to Disneyland; that he has ordered a new station wagon to put into the operation but has not yet received delivery; that he has had numerous requests to render service from Laguna Hills to Laguna Beach and that he has had requests to provide service from Laguna Hills to Disneyland for connections with the airport transportation at that location.

Exhibit A, the schedule proposed by applicant, shows:

	<u>Lv. Lag. Beach</u>	<u>Lv. Lag. Hills</u>	<u>Arr. Disneyland</u>
Trip 1	6:40 AM	6:55 AM	7:20 AM
" 3	9:40 AM	9:55 AM	10:20 AM *
" 5	1:40 PM	1:55 PM	2:20 PM
" 7	5:30 PM	5:45 PM	6:10 PM

	<u>Lv. Disneyland</u>	<u>Lv. Lag. Hills</u>	<u>Arr. Lag. Beach</u>
Trip 2	7:30 AM	8:00 AM	8:15 AM
" 4	10:30 AM	11:00 AM	11:15 AM
" 6	2:30 PM	3:00 PM	3:15 PM
" 8	6:30 PM	7:00 PM	7:15 PM

DAILY EXCEPT:

- Thanksgiving Day
- Christmas Day
- New Year's Day

* Exhibit A shows 12:20 PM, apparently a typographical error.

Applicant stated that he had been requested by the Director of Transportation of Rossmoor Corporation to apply for and establish the requested service.

There were approximately 100 persons in attendance at the hearing. One of them entered an appearance on behalf of the residents of Leisure World, Laguna Hills. She testified they had received only a few days' notice of the hearing and that if they had received a reasonable notice there would have been five hundred local residents present. This witness further testified that there were sixty families moving into the project each day and that consequently transportation to Laguna Beach, a distance of seven miles, was very important to enable people living at Laguna Hills to obtain medical and hospital services, and to engage in shopping and recreational pursuits.

The Examiner interrogated the audience as to whether they would use the service and asked those who would use the service to raise their hands and it appeared that all of the residents of Laguna Hills present raised their hands indicating that they would use the service on the route to Laguna Beach. None of them voiced any opposition. The audience was again questioned as to whether they would use the proposed service to Disneyland and approximately three-fourths of the audience raised their hands to indicate that they would use that service.

A witness testified in support of the protest of the Southern California Rapid Transit District and introduced in evidence Exhibits 1, 2, 3, 4 and 5 which are bus line schedules and maps of the service provided by the District from Laguna Hills to Santa Ana and from Santa Ana to Disneyland. The witness for the District testified that the District did not protest the applicant's

request for authority from Laguna Hills to Laguna Beach but claimed that the granting of authority to applicant from Laguna Hills to Disneyland would take traffic away from its buses operating between Laguna Hills and Santa Ana and from the transportation of passengers by the District's transfer buses to Disneyland. The witness admitted that the present transfer traffic was light and that the elapsed time for travel would be longer than the direct route to Disneyland requested by the applicant.

The schedule of the District is set forth in Exhibit 5 and is as follows:

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT
SCHEDULED SERVICE BETWEEN LAGUNA HILLS, LEISURE WORLD AND
DISNEYLAND

Daily Except Sunday

NORTHBOUND - Laguna Hills to Disneyland

Via Line 45

Via Line 58

<u>Leave Laguna Hills</u>	<u>Arrive Santa Ana Station</u>	<u>Leave Station</u>	<u>Arrive Disneyland</u>
9:33 AM	9:58 AM	10:03 AM	10:21 AM
3:33 PM	3:58 PM	4:03 PM	4:25 PM
7:50 PM	8:15 PM	8:25 PM	8:52 PM

SOUTHBOUND - Disneyland to Laguna Hills

Via Line 58

Via Line 45

<u>Leave Disneyland</u>	<u>Arrive Santa Ana Station</u>	<u>Leave Station</u>	<u>Arrive Laguna Hills</u>
8:30 AM*	8:51 AM	9:00 AM	9:25 AM
2:27 PM	2:51 PM	3:00 PM	3:25 PM
6:39 PM@	7:08 PM	7:23 PM	7:48 PM

* - Saturday - Leave 8:28 AM; Arrive Santa Ana 8:49 AM

@ - Saturday - Leave 6:48 PM; Arrive Santa Ana 7:08 PM

A witness who testified on behalf of the Laguna Transit Co., entered an appearance as an interested party but expressed opposition to the application on the grounds that applicant picks up passengers at several points in Laguna Beach and interferes with operations of the Laguna Transit Co.

A witness who testified on behalf of the Courtesy Cab Co. Inc., of Laguna Beach opposed the application on the grounds that the requested authority would interfere with its operations from Laguna Beach to Laguna Hills and that four persons could ride in one of its cabs at a cost less than the proposed bus fare.

The service of the District, by transfer at Santa Ana to Disneyland with added fare, is not comparable to the direct route offered by applicant to air travelers with baggage seeking to obtain air transportation at Disneyland.

The record fails to show whether the granting of this extension to applicant would reduce the patronage of the taxi service or the Laguna Transit Co.

Upon consideration of the evidence the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed extension of service.

2. Public convenience and necessity require applicant's proposed extension of passenger stage operations.

We conclude that the proposed service is in the public interest and that the application should be granted. For clarification, a certificate restating applicant's operative rights will be issued.

Donald B. Ebert 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 Donald B. Ebert, authorizing him 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 he will be required, among other things, 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-A and insurance requirements of the Commission's General Order No. 101-A. Failure to comply with and

observe the safety rules, or the provisions of General Orders Nos. 98-A or 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 98-A.
- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 63819, which certificate shall be revoked effective concurrently with

the effective date of the tariff 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 4th day of JANUARY, 1966.

Frederick B. Holcomb
President
George A. Traver
Augustin
William L. Bennett
Commissioners

DONALD B. EBERT
doing business as
LAGUNA LIMOUSINE SERVICE

Appendix A

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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. 70162, dated Jan. 4, 1966
~~1966~~ of the Public Utilities Commission of the State of
California, in Application No. 47797.

DONALD B. EBERT
doing business as
LAGUNA LIMOUSINE SERVICE

Appendix A

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Donald B. Ebert (doing business as Laguna Limousine Service) by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport persons and their baggage between the City of Laguna Beach, on the one hand, and Disneyland, on the other hand, and serving the community of Laguna Hills as an intermediate point, subject to the following conditions:

- (a) 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 following route:

Commencing at a point or points within the City of Laguna Beach, thence along city streets to Laguna Canyon Road, El Toro Road, U. S. Highway No. 101, (Santa Ana Freeway), Harbor Boulevard, Katella Avenue and West Street to Disneyland, returning via the reverse of the above route.

Applicant shall not pick up or discharge passengers at any point except in the City of Laguna Beach, Community of Laguna Hills, and Disneyland and shall designate points of pick up and discharge in his tariff.

Applicant is authorized to turn his 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.

Issued by California Public Utilities Commission.

Decision No. 70162, Application No. 47797.