

ORIGINAL

Decision No. 71485

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of AIRPORT COACH SERVICE, a
corporation, for authority to
extend service between Anaheim
and El Toro Marine Corps Air
Station, El Toro, California.

} Application No. 48524
(Filed May 31, 1966)

James H. Lyons, for applicant.
C. O. Mussack, for El Toro
Transit Lines, protestant.
R. W. Russell, by K. D. Walpert,
for City of Los Angeles;
Charles J. Black, and Charles J.
Black, for Eunice Clayton, interested
parties.
William R. Kendall and Fred G. Ballenger,
for the Commission staff.

O P I N I O N

This application was heard before Examiner DeWolf at Los Angeles on September 6, 1966, 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. The El Toro Transit Lines appeared and offered evidence in opposition to the grant of the application. Two parties who have a financial interest in the protestant bus company appeared as interested parties. The City of Los Angeles (Public Utilities and Transportation Department) appeared as interested party.

Applicant requests a certificate of public convenience and necessity pursuant to Sections 1031 and 1032 of the Public Utilities Code of the State of California to establish on-call passenger, baggage, express, newspaper, and mail service to groups

of five or more persons between Los Angeles International Airport, Los Angeles, California, and the El Toro Marine Air Station, El Toro, California.

Applicant is a passenger stage corporation as defined in Section 226 of the Public Utilities Code and is presently engaged in the transportation of passengers, baggage, express, newspapers, and mail between the areas of Newport Beach, Orange County Airport, Santa Ana, Orange, Anaheim, Fullerton and Buena Park, on the one hand, and Los Angeles International Airport, on the other hand. Applicant also renders service to the Ontario International Airport. The operating authority of the applicant is set forth in Appendix A of Decision No. 65057, as amended.

Applicant proposes to render the service here involved as an extension of its present route between Los Angeles International Airport and Anaheim. The applicant was permitted to amend the application by adding to the Route Description in Exhibit A of the application in paragraph A thereof a new paragraph, No. 3, describing the route of the proposed service from El Toro direct to Los Angeles International Airport.

The proposed fares and rates to be charged for the service between Los Angeles International Airport and El Toro Marine Air Station are \$4.20 for the one-way adult passenger fare and a baggage express rate of \$2.00 for one bag and \$1.00 for each additional bag. The proposed fares and rates will be included in applicant's Local Passenger and Express Tariff No. 1, Cal. P.U.C. No. 2 currently on file with this Commission. The proposed service will be covered by the rules and regulations contained in said tariffs.

Applicant will use the same motor coaches presently operated in its existing service.

The executive officer and manager of applicant testified to the truth of the allegations in the application. Three other witnesses including an officer from the United States Marine Corps Air Station at El Toro testified in support of the application and to the public demand and need for the extended service proposed by applicant.

Applicant's evidence is summarized as follows:

There is no comparable service available between the El Toro Marine Air Station and the Los Angeles International Airport. The Air Station is presently being used as a point of rotation for Armed Forces to and from the United States and the Orient and, as such, has direct military and commercial air passenger flights arriving and departing several times daily. These flights debark and embark numerous military personnel at El Toro Marine Air Station who require commercial surface transportation to and from the Los Angeles International Airport, at which point they make connections to points throughout the United States. Presently these flights are averaging from ten to 50 persons per flight who require transportation within one hour after arrival at El Toro Marine Air Station to the Los Angeles International Airport. There are from two to five flights in each direction per day used in these movements. It is expected that this will continue for as long as the Vietnam conflict continues. The military personnel arriving and

departing on these flights must arrange their own transportation by commercial means to their next duty station or to points for leave or discharge. Presently the only service available to these persons to reach Los Angeles International Airport is applicant's service at Santa Ana, California, which is ten miles distant from El Toro Marine Air Station. Those wishing to use applicant's service from Santa Ana to Los Angeles International Airport must use the local bus of protestant, arrange private transportation, or call a taxicab, in order to connect with applicant's schedules. These persons usually carry a large sea bag and from one to two other pieces of baggage when they travel, and therefore need and require the baggage space available on applicant's equipment for this purpose.

The only certificated bus service between Santa Ana and the El Toro Marine Air Station is conducted by Santa Ana-Garden Grove Bus Lines, which protestant described as El Toro Transit Lines. It is presently operated by protestant with a transit-type bus, and is not adequate to meet the needs of passengers carrying baggage as above described. The proposed direct service between El Toro and Los Angeles International Airport is best rendered by "on-call" rather than scheduled service because the flight arrivals and departures at the El Toro Marine Air Station are not consistent nor on any

regular schedule. There have been numerous requests from military personnel that a direct service be established between said Marine Air Station and Los Angeles International Airport to save time, money and inconvenience for members of the Armed Forces.

Exhibit 1 is a copy of a letter from the Public Utilities Commission Secretary to protestant regarding transfer of its certificate and Exhibit 2 is a copy of applicant's Airport Coach Schedule.

Applicant objected to the appearance of protestant on the grounds that said protestant has no substantial interest in the Santa Ana-Garden Grove Bus Lines and, therefore, has no right to protest the application. The objection of applicant to the right of protestant to appear will be denied.

Protestant offered his own testimony in opposition to the application and Exhibit 3 was received in evidence to show that El Toro Air Station had requested protestant to furnish on-call service direct to Los Angeles International Airport. The witness for protestant admitted that the proposed direct on-call service would be much more convenient to all persons using it from the Air Station than any other service. The witness for protestant testified that it would lose revenue if this application is granted. A witness for one of the interested parties testified that the El Toro line of the Santa Ana-Garden Grove Bus Lines would lose revenue of \$300 per month if the application is granted.

Protestant's witness stated that it was operating charter buses from the El Toro Marine Air Station to Los Angeles International Airport for \$40 per bus.

The Commission staff appeared and examined the witnesses, and at the close of the testimony argued in support of the application. The Commission staff examination of applicant's witnesses produced evidence that the protestant was operating its charter buses from El Toro to Los Angeles International Airport and charging individual fares of \$4 per passenger although having no certificate to do so. The witness for protestant denied charging individual fares on its charter buses.

Findings

The Commission finds that:

1. Applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.
2. Direct on-call service from the El Toro Marine Corps Air Station to the Los Angeles International Airport is in the public interest and there is a demand for such service.
3. Public convenience and necessity require that the proposed service be authorized.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Applicant 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 Airport Coach Service, 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 Third Revised Page 2, First Revised Page 2A and Second Revised Page 4 of Appendix A attached hereto and made a part hereof.

2. Appendix A of Decision No. 65057, as heretofore amended, is hereby further amended by incorporating Third Revised Page 2, First Revised Page 2A and Second Revised Page 4 in revision of Second Revised Page 2, Original Page 2A and First Revised Page 4.

3. 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. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it 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-B. Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A or 101-B, 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 its 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 its operations in such form, content, and number of copies as the Commission from time to time shall prescribe.

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

Dated at San Francisco, California, this 12th day of NOVEMBER, 1966.

R. E. [Signature]
President

George L. [Signature]

Fredrick B. Holdhoff

Augusta [Signature]

William W. Bennett
Commissioners

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

The certificate hereinafter noted supersedes all operating authority heretofore granted to Airport Coach Service, a corporation, or its predecessors.

*Airport Coach Service is authorized to transport passengers, their baggage and express, between Newport Beach, Santa Ana, Orange, Disneyland, Anaheim, Fullerton and Buena Park, on the one hand, and the Los Angeles International Airport, on the other hand, and between Newport Beach, Santa Ana, Orange, Disneyland, on the one hand, and the Orange County Airport, on the other hand, and between Disneyland, on the one hand, and Ontario International Airport, on the other hand, and between the El Toro Marine Air Station, on the one hand and Los Angeles International Airport, on the other hand, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- a. Applicant shall transport only passengers destined to or originating at the Los Angeles International, Ontario International and Orange County Airports.
- *b. Applicant shall not pick up or discharge passengers except at El Toro Marine Air Station, Newport Beach, Santa Ana, Orange, Disneyland, Anaheim, Fullerton, Buena Park, and the Los Angeles International, Ontario International and Orange County Airports. Specific points shall be named in applicant's tariff.

Issued by California Utilities Commission.

*Changed by Decision No. 71485, Application No. 48524.

SECTION 1--contd.

- c. Baggage and express shall be transported in passenger-carrying vehicles only, and limited to a weight of not more than 100 pounds per shipment.
- d. When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.
- e. Motor vehicles may be turned at termini or intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- f. When service is rendered on an "on-call" basis, tariffs and timetables of Airport Coach Service shall show the conditions under which such "on-call" service will be rendered.
- *g. All passengers originating at or destined to the El Toro Marine Air Station shall originate at or be destined to the Los Angeles International Airport.
- *h. Service to or from the El Toro Marine Air Station shall be operated for five or more persons.
- *i. Service to or from the El Toro Marine Air Station shall not be operated for less than five persons during the times when regular scheduled service is operated between Santa Ana and the El Toro Marine Air Station.

Issued by California Public Utilities Commission.

*Added by Decision No. 71485, Application No. 48524.

SECTION 2, Route Descriptions

Newport Beach, Anaheim (Disneyland), Anaheim (Downtown), Fullerton, Buena Park

Commencing at the Newporter Inn, Jamboree Road and Pacific Coast Highway, Newport Beach, thence along Pacific Coast Highway, Newport Avenue, Harbor Boulevard, Katella Avenue and West Street to the Disneyland Hotel, 1441 South West Street, Anaheim; thence (1) over and along the most direct or appropriate route or routes to the San Diego Freeway, thence along the San Diego Freeway and Century Boulevard to the Los Angeles International Airport, or (2) along West Street, Ball Road and Los Angeles Street to the Pickwick Hotel, 225 South Los Angeles Street, Anaheim; thence along Los Angeles Street, Harbor Boulevard, Commonwealth Avenue, Malden Avenue, Whiting Avenue, Harbor Boulevard to the California Hotel, 305 South Harbor Boulevard, Fullerton; thence along Harbor Boulevard, Commonwealth Avenue, Beach Boulevard, and Manchester Avenue to the Stage Stop Travel Agency, 6333 Manchester Avenue, Buena Park; thence over and along the most direct or appropriate route or routes to the Los Angeles International Airport, subject, however, to local traffic regulations.

*El Toro Marine Air Station - Los Angeles International Airport

Commencing at El Toro Marine Air Station, El Toro, California, thence via the most direct or appropriate route or routes to the Los Angeles International Airport.

*Also

Commencing at El Toro Marine Air Station, El Toro, California, thence via Trabuco Road, Santa Ana Freeway, East First Street to Saddleback Inn, 1660 E. First Street, Santa Ana.

*Shuttle Service

Supplementary shuttle service to connect with through service may be conducted between the Disneyland Hotel, on the one hand, and El Toro Marine Air Station, Newport Beach, Santa Ana, Orange, Anaheim, Fullerton or Buena Park, on the other hand, over any authorized route or combination of routes.

Issued by California Public Utilities Commission.

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