

ORIGINAL

Decision No. 80616

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of VALEN PARKING MANAGEMENT, INC.,
dba The Town Tour (Fun Bus) Co.,
for Certificate of Public
Convenience and Necessity to
operate motor vehicle passenger
transit service between points
within the County of Orange,
State of California.

Application No. 52932
(Filed October 15, 1971)

Dennis V. Menke, Attorney at Law, for Valen
Parking Management, Inc., applicant.
James H. Lyons, Attorney at Law, for Anaheim
Jitney Systems, protestant.
Robert A. Burrowes, for Consolidated Street
Railways; and C. J. Holzer, for Southern
California Rapid Transit District; interested
parties.
Elmer Sjoström, Attorney at Law, for the
Commission staff.

O P I N I O N

Valen Parking Management, Inc., dba The Town Tour (Fun Bus) Co. (hereinafter referred to as Town Tour) filed the present application on October 15, 1971, to operate certain passenger stage services in the Anaheim-Buena Park area.

Public hearing was held before Examiner Porter on March 28, 29, 1972 at Santa Ana and the matter submitted subject to briefs which were filed April 10, 1972, and the matter is ready for decision.

Applicant Valen Parking Management, Inc., is a corporation organized and existing under and by virtue of the laws of the State of California.

Mr. Valen presented evidence that the population of Orange County has increased 101 percent in the past ten years, and it is anticipated that it will increase another 600,000 to 800,000 during

the next ten years. It is the fastest growing standard metropolitan area in the United States.

It is estimated that there will be 10,000,000 visitors to the Disneyland area during 1971-1972 and that there were only 7,000,000 three years ago. Of these 10,000,000 visitors, 3,000,000 will arrive in this area via public transportation and will need transportation facilities after they get there. It is anticipated by Disneyland that there will be 15,000,000 visitors in the Disneyland area by 1975-1976.

In the past four years, the City of Anaheim has spent \$25,000,000 on a new stadium and \$15,000,000 on a Convention Center. Attendance of convention delegates in Anaheim increased from 45,000 delegates during 1966 to 230,000 delegates in 1971.

In 1970 Lion Country Safari, a \$12,000,000 attraction, opened in Orange County. In July of 1971, the \$50,000,000 Queen Mary attraction and Convention Center opened in Long Beach. In the area there are now other attractions which have international reputations - Disneyland, the largest single attraction of its kind in the world, Knott's Berry Farm, Marineland, Japanese Village & Deer Park, Movieland Wax Museum & Palace of Living Art, and Movieworld. The actual past growth and expected future growth of people and tourist attractions in Southern California is unparalleled anywhere.

Visitors to Buena Park attractions totaled 3,200,000 people in 1970, up 25 percent over 1968.

Thirty percent of all out-of-state visitors and 23 percent of Southern California people visiting this area go to the amusement attractions.

In addition to the millions of tourists, conventioners and visitors arriving by air, many more millions arrive by car, but are very reluctant to drive unfamiliar streets and highways and gamble on obtaining parking facilities. They prefer to leave their cars at their motels or hotels and use public transportation for convenient direct routes to tourist attractions.

It is estimated that a large portion of those 10,000,000 visitors to Disneyland Park also wish to see the other attractions in this area. No vacationers or tourists plan to see only one such place in an area, particularly when there are such well-known and popular attractions as Knott's Berry Farm, Japanese Village & Deer Park, Movieland Wax Museum, etc., in this immediate area.

Disneyland and Knott's Berry Farm rank number 1 and number 2 in recreation attractions most visited by California residents.

For the past 3 years, applicant has been operating services similar to those outlined in this application as The Town Tour (Fun Bus) Co. under authority of the City Council of Anaheim. During this period, applicant has increased its fleet of buses from two to nine buses. This increase in the fleet was due to the tremendous increase in passenger traffic experienced on all services. As previously stated, it is estimated that on the routes herein requested, now operated by applicant, applicant has provided service for over 1,000,000 passengers in the past 3 years.

For the period of six months, applicant shows \$10,561 net income and for the month of August 1971, \$9,520 net income. As of September 1971, applicant shows total assets of \$74,846.

Protestant Anaheim Jitney Systems presented evidence that it possesses operating authority for practically the identical routes that applicant seeks herein. Anaheim Jitney Systems ceased operations in December of 1970.

Applicant has been operating illegally in competition over these routes. Case No. 9063, a Commission Investigation, settled that matter. Decision No. 77723 resulted in a cease and desist order directing Valen to refrain from operating passenger stages to Knott's Berry Farm; Decision No. 78679 provided that Valen be fined and Decision No. 79685 affirmed the fine for conducting operations outside the City of Anaheim.

Discussion

While not condoning the operating practices of applicant, the needs of the public must be served. Applicant is now in a position to provide this service to the public. Applicant is

placed on notice that any subsequent violations of Commission rules or regulations will subject applicant to the disciplinary processes of the Commission.

Public witnesses testified as to the need of a service for which authority is sought and for which authority had been granted to Anaheim Jitney Systems. No preference as to carriers was expressed by the witnesses.

Based upon the evidence the Commission finds that:

1. There presently exists a public need for the passenger carrier service proposed by applicant.
2. Applicant has the financial ability to render the proposed service.
3. There is no existing passenger stage corporation presently serving the sought territory which is providing service to the satisfaction of the Commission.
4. Public convenience and necessity require such operations.

Based upon the foregoing findings of fact, the Commission concludes that the application should be granted.

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 Valen Parking Management, Inc., authorizing it to operate

as a passenger stage corporation as defined in Section 226 of the Public Utilities Code as 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. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (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-C.
- (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 twenty days after the date hereof.

Dated at Los Angeles, California, this 17th day of OCTOBER, 1972.

Vernon L. Sturgeon
President
William J. ...
...
...
...
Commissioners

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.

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Issued by California Public Utilities Commission.

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

Valen Parking Management, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between points within the County of Orange, State of California, and certain territories intermediate and adjacent thereto, 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) Motor vehicles may be turned at termini and 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.
- (b) When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.
- (c) Service on Route No. 2, Convention Center Shuttle, shall be available in coordination with events at the Convention Center.
- (d) Service on Route No. 3, Stadium-East Katella Ave., is available for regularly scheduled night, day, or special event baseball games of the Anaheim Angels at the Anaheim Stadium.
- (e) Service on Route No. 4, Anaheim-Buena Park, shall be operated seven days per week except Christmas.

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SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1 - Disneyland Park Shuttle

Commencing at the Disneyland Hotel, 1150 West Cerritos Avenue, Anaheim, California, exiting on West Street, proceeding south to Katella Avenue, then east along Katella Avenue to Harbor Blvd., then south on Harbor Blvd. to Royal Inn and Holiday Inn, then north along Harbor Blvd. to Manchester Avenue, then east and southeast on Manchester Avenue to the Greyhound Depot, then northwest on Manchester Avenue to Hotel Way, then west on Hotel Way to Disneyland Park.

Alternate Route

Commencing at the Disneyland Hotel, 1150 West Cerritos Avenue, Anaheim, California, exiting on West Street, proceeding north to Cerritos Avenue, then west on Cerritos Avenue to Walnut Street, then south on Walnut Street to Katella Avenue, then east on Katella Avenue to West Street, then south on West Street to Convention Way, then east on Convention Way to Harbor Blvd., then north on Harbor Blvd. to Disneyland Park.

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SECTION 2. ROUTE DESCRIPTIONS.

Route No. 2 - Convention Center ShuttleAlternate A

Commencing at the Disneyland Hotel, 1150 West Cerritos Avenue, Anaheim, California, exiting on West Street, proceeding north to Cerritos Avenue, or exiting on Cerritos Avenue then west on Cerritos Avenue to Walnut Street, then south on Walnut Street to Katella Avenue, then east on Katella Avenue to Convention Center, then exiting on Convention Way, west on Convention Way to West Street, then north on West Street to the point of beginning.

Alternate B

Commencing at the Holiday Inn, 1850 Harbor Blvd., Anaheim, California, exiting on Harbor Blvd., then proceeding north on Harbor Blvd. to Hotel Way, then east on Hotel Way to the Grand Hotel, then returning west on Hotel Way to Harbor Blvd., then north on Harbor Blvd. to Ball Road, then west on Ball Road to Royal Coach Motor Inn, then returning east on Ball Road to Harbor Blvd., then south on Harbor Blvd. to Katella Avenue, then west on Katella Avenue to Convention Center, then exiting Convention Center on either Katella Avenue or Convention Way, then proceeding east to Harbor Blvd., then north on Harbor Blvd. to point of beginning.

Alternate C

Any combination of Alternate A and B to service motels used by the convention delegates.

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SECTION 2. ROUTE DESCRIPTIONS.

Route No. 3 - Stadium - East Katella Avenue

Commencing at the Royal Coach Motor Inn, 1015 West Ball Road, Anaheim, California, exiting on West Street; proceeding south on West Street to Ball Road, west on Ball Road to West Street, south on West Street to Disneyland Hotel, then continuing south on West Street to Katella Avenue, then west on Katella Avenue to Casa Vista Street, returning east on Katella Avenue to Harbor Blvd., then south on Harbor Blvd. to Royal Inn and Holiday Inn, returning north on Harbor Blvd. to Manchester Avenue, southeast on Manchester Avenue to Hotel Way, then west on Hotel Way to Grand Hotel, returning east on Hotel Way to Manchester Avenue, southeast on Manchester Avenue to Haster Street, south on Haster Street to Katella Avenue, then east on Katella Avenue to State College Blvd., south on State College Blvd. to Orangewood Avenue, east on Orangewood Avenue to Anaheim Stadium.

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SECTION 2. ROUTE DESCRIPTIONS.

Route No. 4 - Anaheim - Buena Park

Commencing at the Disneyland Hotel, 1150 West Cerritos Avenue, Anaheim, California, exiting on West Street, proceeding south on West Street to Katella Avenue, west on Katella Avenue to Casa Vista Street, returning east on Katella Avenue to Harbor Blvd., south on Harbor Blvd. to Royal Inn, returning north on Harbor Blvd. to Hotel Way, then east on Hotel Way to Grand Hotel, returning west on Hotel Way to Harbor Blvd., north on Harbor Blvd. to Ball Road, then west on Ball Road to Royal Coach Motor Hotel, then proceeding west on Ball Road to Beach Blvd. (State Highway 39), north on Beach Blvd. (State Highway 39) to Knott's Berry Farm and enter, then exit Knott's Berry Farm on Grand Avenue, then south on Grand Avenue to Crescent Avenue, then east on Crescent Avenue to Beach Blvd. (State Highway 39), north on Beach Blvd. (State Highway 39) to La Palma Avenue, then west on La Palma Avenue (servicing Alligator Farm) to Knott Avenue, north on Knott Avenue to Orangethorpe Avenue, then west on Orangethorpe Avenue to Movieworld and enter, returning east on Orangethorpe Avenue to Knott Avenue, then north on Knott Avenue to Japanese Village and Deer Park and enter, exiting on Knott Avenue, north on Knott Avenue to Artesia Blvd., east on Artesia Blvd. to Manchester Avenue, then southeast on Manchester Avenue to Beach Blvd. (State Highway 39), south on Beach Blvd. (State Highway 39) to Movieland Wax Museum, enter, then continuing south on Beach Blvd. (State Highway 39) to Knott's Berry Farm.