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ORIGINAL

Decision No. 82675

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CURT N. BOSWORTH, DBA STARDUST)
CHARTERS for certificate of public)
convenience and necessity to)
operate passenger service between)
Orange County and Hughes Aircraft)
in Los Angeles.)

Application No. 54363
(Filed October 2, 1973)

Curt N. Bosworth, for himself, applicant.
Stephen T. Parry, for Southern California
Rapid Transit District, protestant.
John deBrauwere, for the Commission staff.

O P I N I O N

Applicant Curt N. Bosworth, doing business as Stardust Charters, requests that a certificate of public convenience and necessity to operate as a passenger stage corporation be issued to him for the purpose of transporting employees of Hughes Aircraft Company (Hughes) in commuter service between points in Orange County, on the one hand, and, on the other hand, the various Hughes' facilities located close to the Los Angeles International Airport in Los Angeles County as more particularly set out in Appendix A attached to this decision. Hearing on the application took place at El Segundo on January 29, 1974 before Examiner Pilling.

Applicant initially applied for a certificate to operate as a charter-party carrier of passengers under Public Utilities Code Section 5371 et seq., but the facts presented at the hearing disclosed the proposed operation to be that of a passenger stage corporation, and a motion was made by applicant to amend the application to request a passenger stage corporation certificate as being in conformity with the facts presented at the hearing. The motion was granted.

Applicant testified that he presently operates as a charter-party carrier of passengers pursuant to a certificate issued by this Commission. He conducts operations with two 45-passenger buses owned by him and one bus under a one-year lease. Drivers of the buses are in applicant's employ and applicant often drives one of the buses. Each driver is qualified by the Department of Motor Vehicles and approved by applicant's insurance company. Each driver makes a daily inspection of his bus and reports the results of that inspection. One of the drivers, a proficient mechanic, services the buses for everything except engine work, which is done by outside experts. Applicant submitted his balance sheet as of January 1, 1974 which showed a net worth of \$13,275. Applicant testified that he had in effect a program of compliance with safety laws, rules, and regulations.

Applicant testified that he will operate his three buses in the morning for picking up and taking Hughes' employees to work and in the evening for bringing those employees home. The buses will start from the first pickup point at approximately 6:30 a.m.

At the close of business the three buses will pick up the employees at their respective assigned stops and proceed to their destinations. The San Diego Freeway will be the buses' major route. Fares will be charged on a weekly basis and will be collected in advance by a bus captain appointed by applicant from among each busload of Hughes' employees. Applicant is presently conducting the operation (albeit under questionable legal auspices) for which he seeks to be certificated. Applicant claims he has a source for securing back-up buses if needed.

Five Hughes' employees who are presently riding in the proposed service, including two of the bus captains, testified in support of the application. In summary they testified that the only alternative to using applicant's service was driving their own automobiles to work; that driving their own automobiles over such long distances during the crowded commute hours was fatiguing, nerve-wracking, and expensive, and detrimentally affected their job performance as well as the tranquillity of their home life; that since continually using applicant's service their job performance as well as the tranquillity of their home life had markedly improved; that they used the bus ride to catch up on lost sleep in the morning and for a refreshing nap on the ride home in the late afternoon; that they will continue to use applicant's service if the application is granted; and that they want and need applicant's service. The two bus captains testified that they get a free weekly ride for collecting the weekly fares, acting as contact men within the Hughes company, keeping a standby list of employees wanting to ride the bus, and keeping the buses full, as well as for performing other minor duties in connection with the service.

Applicant and two of the bus captains personally obtained the signatures of 109 persons on a petition attesting to the need of the proposed service.

Protestant Southern California Rapid Transit District (RTD), while not professing to have any direct single line service available for use by the involved Hughes' employees, nevertheless stated that it offered subscription service and that it was ready, willing, and able to provide the needed service on a monthly subscription basis, even though the service would be required to be given to or from points in Orange County which are outside its district of Los Angeles County. RTD nevertheless suggested that if any certificate is issued out of this proceeding that it be restricted to the transportation of Hughes' employees and that it be further restricted against the transportation of passengers locally between points in Los Angeles County or between points in Orange County.

Findings

1. Applicant proposes to engage in the operations of a passenger stage corporation as defined in Section 226 of the Public Utilities Code.
2. There is presently no certificated passenger stage service between the points and over the routes applicant proposes to serve.
3. Applicant owns or has under long-term lease the equipment it proposes to use in the requested operations.
4. Applicant's employees will drive the buses used in the operation.
5. Applicant is experienced in the ownership and management of a bus line.
6. Applicant is ready, willing, and able to conduct the proposed operations.
7. Applicant intends to conduct operations only during the morning and late afternoon commute rush hours in the transportation of employees of Hughes.

8. One hundred fourteen employees of Hughes (5 in person and 109 by petition) attested to the convenience and necessity of the proposed operation.

9. RTD offers a subscription service of a kind similar to that proposed by applicant but has made no definite move or proposal to organize movements for the benefit of the involved employees.

10. Applicant does not propose to transport any passengers locally between points in Orange County nor locally between points in Los Angeles County.

11. Public convenience and necessity require the proposed service.

12. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Conclusion

A certificate of public convenience and necessity should be issued to applicant to operate as a passenger stage corporation as set out in the ensuing order.

Applicant is 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. 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 Curt N. Bosworth authorizing him to operate as a passenger corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 authorized service.
- (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 No. 79-Series and 98-Series.

- (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.

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

Dated at San Francisco, California, this 2nd day of APRIL, 1974.

William L. Stearns
President
William J. Syngma, Jr.
William J. Syngma, Jr.
William J. Syngma, Jr.
William J. Syngma, Jr.
Commissioners

Appendix A

Curt N. Bosworth
Doing Business as
Stardust Charters

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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. 82675 dated
APRIL 2, 1974 of the Public Utilities Commission
of the State of California, on Application No. 54363.

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

Curt N. Bosworth, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between certain designated areas in Orange County and Los Angeles International Airport Area 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) All transportation of passengers shall originate at the points hereinafter specified in Orange County, on the one hand, and shall be destined to the various buildings and installations of the Hughes Aircraft Company in the Los Angeles International Airport Service Area, on the other hand, and shall be limited to employees of or persons seeking employment at the Hughes facilities.
- (d) Passenger stage service shall be operated only at times necessary to meet employee shift changes at the industry served and at other times when necessary to transport persons seeking employment at said industry.
- (e) Passenger stage service may be terminated upon 10 days' notice to the public and to the Commission should work stoppage occur due to strike, plant closure, plant relocation, or any other event affecting the need or necessity for said service.

Issued by California Public Utilities Commission.

Decision No. 82675, Application No. 54363.

SECTION 2. DESCRIPTION OF AREAS AND LOCATIONS.

Los Angeles International Airport Service Area

That area bounded on the south by El Segundo Boulevard, on the east by the San Diego Freeway (State Route 405), on the north by Century Boulevard extended and on the west by the Pacific Ocean.

Locations to be served within this area shall be as set forth in Section 3.

SECTION 3. ROUTE DESCRIPTIONS.

Route No. 1

Beginning at the intersection of Bristol Street and San Diego Freeway (State Route 405) in the City of Costa Mesa; thence northerly along said Freeway to pickup points located at the intersections of Bushard Street and Warner Avenue in the City of Fountain Valley and Beach Boulevard and McFadden Avenue in the City of Westminster; thence continuing northerly along the San Diego Freeway (State Route 405) to El Segundo Boulevard, Sepulveda Boulevard to Hughes Aircraft Company buildings 110, 125, 359, 366, and 376 located in the Los Angeles International Airport Service Area and return via the reverse of the going route.

Route No. 2

Beginning at the intersection of MacArthur Boulevard and Business Center Drive in the City of Irvine; thence northerly along MacArthur Boulevard to San Diego Freeway (State Route 405); thence northerly along said Freeway to pickup points located at the intersections of Beach Boulevard and McFadden Avenue in the City of Westminster and Valley View Street and Cerulean Avenue in the City of Garden Grove; thence continuing northerly along the San Diego Freeway (State Route 405) to El Segundo Boulevard, Sepulveda Boulevard to Hughes Aircraft Company buildings 359, 366, and 373 located in the Los Angeles International Airport Service Area and return via the reverse of the going route.

Route No. 3

Beginning at the intersection of MacArthur Boulevard and Business center Drive in the City of Irvine; thence northerly along MacArthur Boulevard to San Diego Freeway (State Route 405); thence northerly along said Freeway to pickup points located at the intersections of Beach Boulevard and McFadden Avenue in the City of Westminster and Valley View Street and Cerulean Avenue in the City of Garden Grove; thence continuing northerly along the San Diego Freeway (State Route 405) to El Segundo Boulevard, Sepulveda Boulevard to Hughes Aircraft Company buildings 150 and 376 located in the Los Angeles International Airport Service Area; thence northerly along Sepulveda Boulevard, Lincoln Boulevard to the Highes Airport facility in Culver City where passengers may be discharged at gates 5, 10, and 12; and return via the reverse of the going route.

Issued by California Public Utilities Commission.

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