

ORIGINAL

Decision 93553 SEP 15 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of YELLOW CAB CO. )  
for a Certificate of Public )  
Convenience and Necessity to )  
operate from the Disneyland area )  
to Orange, California. )

Application 59990  
(Filed September 22, 1980)

Floyd L. Farano, Attorney at Law, for applicant.  
Frank A. Lowry, Jr., Senior Assistant City  
Attorney, for City of Anaheim; and Topper  
Smith, for Plaza Transportation Co.;  
protestants. ✓  
James P. Jones, for United Transportation  
Union, interested party.

O P I N I O N

Applicant Yellow Cab Company of Northern Orange County, Inc. seeks a certificate of public convenience and necessity to operate as a passenger stage corporation in providing a scheduled shuttle bus service between motels in the Disneyland/ Convention Center area in the City of Anaheim and the Crystal Cathedral and the City Shopping Center in the City of Orange.

Protestants, the City of Anaheim and Plaza Transportation Company, have opposed the granting of the application. The City of Anaheim contends the need for transportation service is already being met by Orange County Transit District (OCTD) and that the proposed service would aggravate traffic problems, from both traffic flow and safety standpoints. Plaza Transportation Company, which provides

intracity bus service from motels in the Disneyland area to the Anaheim Plaza Shopping Center, also contends the need for the service to Crystal Cathedral and City Shopping Center is already being met by OCTD and, alternatively, that the need for public transportation service to a shopping center is being met by this protestant's service.

A public hearing was held before Administrative Law Judge Main in Los Angeles on May 21 and 22, 1981. The matter was submitted subject to the filing of briefs, two late-filed exhibits, and the transcript. Receipt of these items was completed June 17, 1981 upon the filing of applicant's reply brief and the matter stands ready for decision.

Applicant has been engaged in the business of the transportation of passengers for over 35 years. Although taxi service is its primary business, applicant also provides charter-party service (TCP 219-P) and package delivery service, which are under our jurisdiction, as well as Dial-A-Ride and transportation for the handicapped under contract with a transit district. It owns and operates 140 passenger-type vehicles. For the year ending March 31, 1980 its net income was \$251,174. To render the proposed service it will use two 19-passenger El Dorado shuttle-type vehicles. The vehicles will be equipped to use a clean burning fuel, viz: either propane or natural gas.

There is no question about applicant's fitness, financial resources, and equipment, or knowledge and experience to render the proposed service.

Applicant proposes two route loops. The two routes, which are more fully described in Exhibits 9 and 12 (Route 1) and Exhibits 10 and 13 (Route 2), are summarized below.

<u>Stop No.</u>	<u>Route 1 (30-minute Loop)</u>	<u>Route 2 (30-minute Loop)</u>
1	Conestoga Inn 1240 S. Walnut Street Anaheim	Ramada Inn 1331 E. Katella Anaheim
2	Disneyland Hotel 1150 W. Cerritos Anaheim	Grand Hotel 7 Freedman Way Anaheim
3	Appollo Inn 1741 S. West Street Anaheim	Howard Johnson's 1350 S. Harbor Anaheim
4	Inn of Tomorrow 1110 W. Katella Anaheim	Marriott Hotel 700 W. Convention Way Anaheim
5	Jolly Roger Hotel 640 W. Katella Avenue Anaheim	Quality Inn 616 W. Convention Anaheim
6	Inn at the Park 1855 S. Harbor Anaheim	Holiday Inn 1850 S. Harbor Anaheim
7	Crystal Cathedral 4201 W. Chapman Orange	Crystal Cathedral 4201 W. Chapman Orange
8	City Shopping Center 10 Amsterdam East Orange (Return to first stop.)	City Shopping Center 10 Amsterdam East Orange (Return to first stop.)

Less than 90% of the distances traversed on proposed Routes 1 and 2 lie within the Anaheim city limits.

Proposed Schedule and Fare

Proposed Routes 1 and 2 are 30-minute loops over which service will be provided:

Monday-Friday	10:00 a.m. to 9:00 p.m.
Saturday	10:00 a.m. to 6:00 p.m.
Sunday	11:30 a.m. to 5:30 p.m.

The proposed fare is \$1.00 per passenger each way except children under 6 for whom there would be no charge. According to Exhibit 6 the fares will generate \$119,000 in annual operating revenues in relation to operating expenses of \$95,012, yielding net operating revenues of \$24,700. The \$119,000 in annual operating revenues is based on an estimate of \$4.50 on the average in fares per trip.

The fare charged by protestant Plaza Transportation Company for its intracity shuttle bus service from motels in the Disneyland area to the Anaheim Plaza Shopping Center is also \$1.00 per adult passenger.

Need for the Service

Generally, the riders proposed to be served by applicant are tourists or convention delegates and their families who are only in the area a few days and have no idea of the transportation available. Applicant sponsored several witnesses who either were operators or other guest-contacting type employees of the hotels/motels located along proposed Routes 1 and 2. Routinely, hotel guests ask these witnesses about the transportation service available to different areas of Orange County and ask for their recommendations. These

witnesses testified that many hotel guests are interested in visiting the Crystal Cathedral or in going to the City Shopping Center.

The Crystal Cathedral is a popular tourist attraction which averages 700 visitors per day. The City Shopping Center is a regional shopping center within an overall project which includes 5 major office buildings, a financial center with 4 major banks, and a 441-apartment complex and is located in the City of Orange. Notably, by virtue of that location, the city portion of sales tax revenues generated at the shopping center do not redound to protestant City of Anaheim but to the City of Orange.

At present, there is no direct (i.e. without transfer) passenger stage transportation service to the Crystal Cathedral or the City Shopping Center complex from the Disneyland area. OCTD, however, has the capability to transport passengers from the Disneyland area to the Crystal Cathedral or the City Shopping Center through a transfer system. Apparently the primary modes of transportation now are taxicabs (two companies), private cars, rental cars, and hotel shuttles.

Since November 1980 applicant has sampled for one-week periods at three months intervals its number of taxicab trips between hotels/motels in the Disneyland area and the two destinations of its proposed Routes 1 and 2. The results were:

<u>Week</u>	<u>Number of Trips</u>	
	<u>The City Shopping Center</u>	<u>Crystal Cathedral</u>
May 10-16, 1981	109	27
February 8-14, 1981	134	44
November 9-15, 1981	171	51

According to the testimony of applicant's vice president and operations manager, passenger traffic on the proposed routes should vary with the number and size of conventions being held and the season of the year. It is anticipated that the summer months will produce a substantial public need for the offered service to the Crystal Cathedral and the City Shopping Center.

Protestants contend that there is not an unmet need for public transportation service to a shopping center, citing the transportation service already provided to a different and smaller shopping center, the Plaza Shopping Center in Anaheim. To contend in this way that there is no need to provide the proposed transportation service to the City Shopping Center in the City of Orange is singularly unpersuasive.

In summary, there is neither direct competition nor comparable service to applicant's proposed scheduled shuttle service from the Disneyland area to the Crystal Cathedral and City Shopping Center destinations and a clear need for such service exists.

#### Curbside Pickups

According to the testimony of both the police department's traffic bureau commander and the traffic engineer of protestant City of Anaheim, curbside stopping to pick up and discharge passengers can tie up traffic. It can also cause rear-end collisions.

Of course, the rapid transit districts make curbside pickups in the City of Anaheim as elsewhere. However, to minimize any contribution applicant's proposed service might make to traffic problems in the City of Anaheim, applicant has succeeded at our behest in converting most of the curbside

pickups to private property pickups. Late-filed Exhibits 12 and 13 disclosed that the second, third, and fourth stops in the six stops in the City of Anaheim on proposed Route 1 would be curbside pickup locations and that the fifth stop in the six stops in the City of Anaheim on proposed Route 2 would be a curbside pickup location.

By letter dated July 24, 1981 applicant informed the Commission and the parties of further developments as follows:

"This letter will serve to inform you of certain physical changes which have taken place in the City of Anaheim which will enable the applicant to make changes as to the curbside pick-ups described in its Exhibits 12 and 13.

"1. As to Route No. 1 - fifth stop - Jolly Roger Hotel.

"The Jolly Roger Hotel has removed and otherwise altered certain signs on its property which will allow the applicant's vehicles to enter the hotel property for the purpose of picking up passengers. We are, therefore, proposing that the foregoing stop and our Exhibit 12 be amended to designate the Jolly Roger as a private property pick-up.

"2. Exhibit 13 - Route No. 2 - Fourth stop and Fifth Stop.

"The City of Anaheim has closed Convention Way approximately one-quarter mile westerly of Harbor Blvd. The result of the foregoing change is that Convention Way is a public two-way (easterly-westerly) street, having three lanes in each direction, with a center divider and turn pockets for a distance of one-quarter mile westerly of Harbor Blvd. The intention is that the public street will end approximately one-quarter mile west of Harbor (at the western limits of the Marriott Hotel). From that point westerly to West Street, Convention Way will be a two lane,

"one-way, west-bound street to West Street and will be used solely for the purpose of providing ingress and egress to the Convention Center and West Street. We are informed that, under certain conditions, the street will be used for parking facilities, and will provide entrance to the Convention Center south parking lot from the Quality and Marriott Hotels. It is our contention, therefore, that a hardship will not be created if the applicant were to be permitted curbside pick-ups at the Quality and Marriott Hotels.

"This will also serve to remind Your Honor that as the testimony in the transcript of the hearing in this matter indicates, that public parking and stopping is now permitted near the Disneyland Hotel on Cerritos and that the Inn at the Park has a 16' curbside lane in addition to two other traffic travel lanes adjoining its property. [1]

"The applicant is willing to stipulate that all curbside pick-ups will be made at a distance in excess of 250' from any corner or street intersection."

By finding a way to eliminate the critical curbside pickup at the Jolly Roger Hotel, applicant has, in our view, now minimized any contribution its proposed service might make to the City of Anaheim's traffic problems. Protestant's attempt to attribute other traffic problems to the proposed service was not only unconvincing but incongruous in light of a pending hotel project (Exhibit 11) which, among other things, would add 3,820 vehicles to the average daily traffic at the overburdened Harbor Boulevard-Katella Avenue intersection.

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1/ The Disneyland Hotel is the second stop on proposed Route 1 and the Inn at the Park is the sixth stop on proposed Route 1.



Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. The initial fares and the service schedule proposed by applicant are reasonable.
3. There is currently no single-line bus service between the pertinent Disneyland-Convention Center area in Anaheim and the City Shopping Center in Orange.
4. Over 10% of the distances traversed by Routes 1 and 2 as proposed by applicant are outside the Anaheim city limits.
5. The territory comprising applicant's proposed Routes 1 and 2 is not already served by a passenger stage certificate holder under Public Utilities (PU) Code Section 1031.
6. By limiting the curbside pickups to the second and sixth stops on Route 1 and to the fourth and fifth stops on Route 2, applicant has rendered negligible any contribution its proposed service might make to traffic problems within the City of Anaheim.
7. There is public demand for applicant's proposed service.
8. Public convenience and necessity require that the service proposed by applicant be certificated.
9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity have been demonstrated, and applicant's proposed service is materially different from the protestants'. The application should be granted as set forth in the ensuing order.

2. The following order should be effective on the date of signature since there is a demonstrated present need for applicant's service.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Yellow Cab Company of Northern Orange County, Inc., authorizing it to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix A, to transport persons.

2. Applicant shall:

- a. Limit curbside pickups in the City of Anaheim to the second and sixth stops on Route 1 and to the fourth and fifth stops on Route 2.
- b. File a written acceptance of this certificate within 30 days after this order is effective.
- c. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- d. State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.

- e. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated SEP 15 1981 at San Francisco, California.

John E. Byrne  
President  
Richard D. Howell  
Francis W. Jones  
Walter C. ...  
Francis ...  
Commissioners

T/am/md

Appendix A

Yellow Cab Company  
of Northern Orange County, Inc.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-1179

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

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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 under authority of Decision 93553, dated SEP 15 1981  
of the Public Utilities Commission of the State of California, in  
Application 59990.

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Decision 93553, Application 59990.

Appendix A

Yellow Cab Company  
of Northern Orange County, Inc.  
(PSC-1179)

Original Page 2

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

Yellow Cab Company of Northern Orange County, Inc: by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between Anaheim and the City of Orange in Orange County and certain intermediate and adjacent territories over and along the routes described, subject, however, to the authority of this Commission to change or modify the 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) Curbside pickups in the City of Anaheim shall be limited to the second and sixth stops on Route 1 and to the fourth and fifth stops on Route 2.
- (d) All curbside pickups shall be made at a distance in excess of 250 feet from any corner or street intersection.
- (e) No service shall be provided to or between intermediate points.
- (f) No passengers shall be transported except those having point of origin or destination at the Crystal Cathedral or City Shopping Center.

Issued by California Public Utilities Commission.

Decision 92553, Application 59990.

## SECTION 2. ROUTE DESCRIPTIONS.

<u>Stop No.</u>	<u>Route 1</u> <u>(30-minute Loop)</u>	<u>Route 2</u> <u>(30-minute Loop)</u>
1	Conestoga Inn 1240 S. Walnut Street Anaheim	Ramada Inn 1331 E. Katella Anaheim
2	Disneyland Hotel 1150 W. Cerritos Anaheim	Grand Hotel 7 Freedman Way Anaheim
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4	Inn of Tomorrow 1110 W. Katella Anaheim	Marriott Hotel 700 W. Convention Way Anaheim
5	Jolly Roger Hotel 640 W. Katella Avenue Anaheim	Quality Inn 616 W. Convention Way Anaheim
6	Inn at the Park 1855 S. Harbor Anaheim	Holiday Inn 1850 S. Harbor Anaheim
7	Crystal Cathedral 420 W. Chapman Orange	Crystal Cathedral 420 W. Chapman Orange
8	City Shopping Center 10 Amsterdam East Orange (Return to first stop.)	City Shopping Center 10 Amsterdam East Orange (Return to first stop.)

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