

ORIGINAL

Decision No 13373

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the Matter of the Application of)
 DILLINGHAM TRANSPORTATION COMPANY,)
 a corporation, as lessor, and MOTOR :
 TRANSIT COMPANY, a corporation, as)
 lessee, for permission to enter into)
 a certain lease of motor operating :Application No. 9917
 rights, together with an option to)
 said lessee to purchase same, and)
 permitting said lessee to exercise)
 said operating rights as an extension :
 to its present automobile stage lines. :
)

BY THE COMMISSION:

O-P-I-N-I-O-N

Dillingham Transportation Company, a corporation, as Lessor and Motor Transit Company, a corporation, as Lessee, have petitioned the Railroad Commission for an order approving a lease and option to purchase whereby said Lessor transfers under lease, with option to purchase, to said Lessee, its operative rights for a term of eighteen months.

The operative rights, herein proposed to be leased are those heretofore acquired by applicant, Dillingham Transportation Company, by transfer from E. B. Dillingham and H. L. Dillingham, a co-partnership operating under the fictitious name of Dillingham Transportation Company, under authority contained in this Commission's Decision No. 11551 of January 24, 1923 on Application No. 8587 and Decision No. 11586 of February 3, 1923 on Application No. 8620.

The lease contract and option to purchase is fully set forth in the agreement between the applicants herein as executed

under date March 24, 1924 and filed herein as an exhibit accompanying the application.

We are of the opinion that this is a matter in which a public hearing is not necessary in that an inspection of the lease contract and option to purchase shows nothing contrary to public policy and it appears in the interest of the public that the proposed agreement should be approved.

O-R-D-E-R

Dillingham Transportation Company, a corporation, and Motor Transit Company, a corporation, having petitioned the Railroad Commission for an order approving a lease contract and option to purchase, whereby the former applicant leases to the latter certain operative rights for the conducting of automobile stage transportation, as hereinafter specifically set forth, the Commission being now fully advised and of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted,

IT IS HEREBY ORDERED that this application be, and the same hereby is granted, subject to the following conditions:

1. Applicant, Dillingham Transportation Company, will be required to immediately cancel all tariffs and time schedules now filed with this Commission and applicant Motor Transit Company will be required to immediately file its tariffs and time schedules, or to adopt as its own the tariffs and time schedules as heretofore filed and covering the routes herein-after specified, all rates, fares, and rules and regulations governing same to be identical with the rates, fares, rules and regulations as heretofore filed by applicant, Dillingham Transportation Company. All tariff and schedule filings to be made in accordance with the provisions of this Commission's General Order No. 51 and other rules and regulations of this Commission which, insofar as same are applicable, are hereby referred to and are made a portion of the order herein.

II. The rights and privileges, the transfer of which are hereby authorized, shall not be sold, leased, transferred, assigned or hypothecated unless such sale, lease, transfer, assignment or hypothecation has first received the written approval of the Railroad Commission.

III. No vehicle may be operated over the routes herein authorized transferred unless such vehicle is owned by applicant, Motor Transit Company, or is leased by such applicant under a contract or agreement on a basis satisfactory to and approved by the Railroad Commission.

IV. The rental as agreed between the applicants herein and as contained in the agreement accompanying and forming a portion of the application herein, or the agreed option purchase price shall never be claimed by applicant, Motor Transit Company as an operating expense or as a measure of value in any rate fixing or other proceeding before this Commission or any other authorized tribunal, the amount agreed upon as rental for the term herein authorized and the option purchase price being considered only by the Commission as the agreed values made by applicants herein for the purpose of this agreement and not in any manner binding upon or to be considered by this Commission as being approved for rate fixing or any other proceedings affecting the rights herein transferred as a measure of value.

V. The rights and privileges herein authorized transferred by lease for the term of eighteen (18) months are as follows:

(a) An operative right for the conduct of an automobile stage line as a common carrier of passengers between Whittier and Long Beach, serving as intermediate points the communities at Malard Garage, Hynes, Clearwater, Downey and Rivera.

(b) An operative right for the conduct of an automobile stage line as a common carrier of passengers between Long Beach and Whittier serving the intermediate communities at Malard Garage, Bellflower Avenue, Artesia, Norwalk, Santa Fe Springs and Los Nietos, but restricted as to the carriage of any passengers locally between Norwalk and Santa Fe Springs.

(c) An operative right for the conduct of an automobile stage line as a common carrier of passengers between Pasadena and Long Beach serving as intermediate points the communities of Alhambra, San Gabriel, El Monte, Oil Fields, Pico, Rivera, Downey, Clearwater and Hynes, but excluding any right to transport passengers locally between Long Beach and the intersection of Long Beach Boulevard and Whittier Boulevard near Pico Station.

(d) An operative right for the conduct of an automobile stage line as a common carrier of passengers between Alhambra and Pico as supplemental to and as a part of an alternative route between Pasadena and Long Beach as more fully described in paragraph (c) including intermediate points at the communities of Ramona Acres, Oil Fields West and Montebello.

(e) An operative right for the conduct of an automobile stage line as a common carrier of passengers as supplemental to and in addition to the route between Pasadena and Long Beach as herein described in paragraph (c) over the following route:

From No. 57 Fair Oaks Avenue in the City of Pasadena, California, and proceeding south on Fair Oaks Avenue to Columbia Street; thence west on Columbia Street to Fremont Avenue; thence southwest and south on Fremont Avenue (all of said operation being in the City of Pasadena); thence through the City of South Pasadena on Fremont Avenue to and through Oneonta Park Junction to Emery Park and thence to Hillman Avenue; thence east on Hillman Avenue to Monterey Road; thence south and west on Monterey Road through Granada Park and thence over the highway past the Midwick Country Club to Coyote Pass; thence south and southwest via Coyote Pass road to and through Coyote Pass and to and through Mountain View Heights; thence through New Belvedere Heights and to and through Belvedere Gardens to the intersection of said Coyote Pass road with the Whittier or Stephenson Avenue road; thence south on the Telegraph Road (being an extension of the Coyote Pass road south from Whittier Road) to Bandini and thence south on the Bandini road to the Laguna School; thence south and east from the Laguna School over the Downey Road to Long Beach Road; thence along Long Beach Road to Downey, where said route joins already authorized route (as appearing in paragraph (c)) to Long Beach, restricted as to carriage of any passengers locally between Pasadena and Alhambra Road, and between Whittier Road and Pasadena Avenue (Belvedere Gardens).

5th Dated at San Francisco, California, this day of April, 1924.

W. A. Leavelle
W. A. Leavelle
James Martin
Ernest Shore
J. P. Whittier
Commissioners