

Decision No. 20188

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 OTIS C. DWY for certificate of public)
 convenience and necessity to operate) Supplemental
 passenger auto stage service between) Application No. 14672
 El Segundo and Inglewood and all)
 intermediate points.)

BY THE COMMISSION -

OPINION and ORDER

O. C. Dwy, in a supplemental application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automotive passenger stage service between Inglewood and Mines Aviation Field, said service to be performed during the meet of the California Air Race Association at Mines Aviation field September 8 to 16th, inclusive, and at such other times as affairs at the field require such service.

Applicant Dwy proposes to operate continuous service for 16 hours daily between Inglewood and Mines Field during the meet, (which also partakes of the nature of an exposition) to use equipment owned by him also equipment leased from Motor Transit Company, and to charge^a/fare of 10 cents each way.

Applicant Dwy is now operating an automotige passenger stage service between Inglewood and El Segundo and serving Mines Field as an intermediate point but over a route which, he declares, will not enable him to handle satisfactorily the volume of traffic expected to be developed by the air meet described herein and such other affairs as may be arranged for the field from time to time. He asks that a permanent certificate be issued, providing for the operation of the special service as the need may develop, thus obviating the necessity of securing a certificate for each separate function. Between events he will operate over his regular route as far as an anticipated traffic congestion will permit.

We are of the opinion that this is a matter in which a public hearing is not necessary, particularly in view of the fact that the Commission has been advised by Los Angeles Railway Corporation that it is not opposed to the granting of the certificate. Further, Los Angeles Railway Corporation has applied for a similar certificate (Application No. 14980) and applicant Dwy has advised that he will not oppose it, declaring that both services will be needed to take care of the traffic developed by the various events.

O. C. Dwy is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by O.C. Dwy of an automotive passenger stage service between Inglewood and Mines Field and intermediate points over and along the following route, said service to be performed when and while shows, races or other events are being held at Mines Aviation Field:

From Inglewood Terminal Depot (Regent and Market Streets) south on Market Street to Arbor Vita Street; thence south via Hawthorn Avenue (continuation of Market Street) to Pine Street; thence west on Pine Street to Redondo Boulevard and west approximately one block to north entrance of Mines Field on San Antonio Street (continuation of Pine Street).

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to O.C. Dwy, subject to the following conditions:

1- Said certificate is granted not as a separate operating right and with the understanding that it shall be effective only when Mines Field is the scene of special events requiring more frequent transportation service than is given by Dwy between El Segundo and Inglewood under authority of his existing operating rights, and with the further understanding that during such special events, to avoid traffic congestion, the regular service of applicant Dwy may be operated over the route herein authorized, to the extent that traffic exigencies may require.

2- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

3- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.

4- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of

August, 1928.

C. J. ...

E. ...

W. ...

COMMISSIONERS.