

EEM

Decision No. 20004

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
W. F. WHITCOMB for certificate of
public convenience and necessity to
operate auto passenger stage service
between 1st and Indiana Streets in
the City of Los Angeles to El Monte
via Garvey Avenue.

ORIGINAL
Application No. 14730.

Klyde Young, for Applicant.

H. W. Kidd, for Motor Transit Company,
Protestant.

BY THE COMMISSION:

O P I N I O N

W. F. Whitcomb has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a bus service as a common carrier of passengers between First and Indiana Streets in the City of Los Angeles and El Monte and intermediate points over and along the following route, to-wit:

Commencing at Terminal Depot, 1st and Indiana Streets, Los Angeles; east on 1st Street to Townsend Street; north on Townsend Street to Brooklyn Avenue; east on Brooklyn Avenue to Midnick Avenue; north on Midnick Avenue to Coyote Pass; via Coyote Pass to intersection of Fremont and Garvey Avenues; east on Garvey Avenue to Tyler Street, El Monte; north on Tyler Street to Colombia Street; east on Colombia Street to Main Street; northwest on Main Street to Tyler Street.
Returning; south on Tyler Street to Garvey Avenue; thence via reverse of above route to point of commencement, as

an extension of his present authorized service.

A public hearing on this application was conducted before Examiner Satterwhite at El Monte, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application and to use the equipment described in Exhibit "C," attached to said application.

Motor Transit Company appeared at the hearing in opposition to the granting of said application, but by virtue of a stipulation entered into with said applicant with respect to restrictions as to the transportation of passengers between the City of El Monte and First and Indiana Streets in the City of Los Angeles, which will be incorporated in the order herein, the said protestant withdrew its opposition to the granting of said application.

Applicant has operated for many years last past and ever since May 1st, 1917, a passenger stage service between First and Indiana Streets in the City of Los Angeles and the intersection of Garvey Avenue and San Gabriel Boulevard.

In this proceeding applicant proposes to extend and enlarge his present service for a distance of about 3.3 miles along Garvey Avenue to Tyler Street in El Monte, thence two blocks north to Main Street in El Monte.

The record shows that the City of El Monte is a business and amusement center for a large number of people who reside and have their homes in the rural district known as "Walnut Acres" located west of El Monte between San Gabriel Boulevard and Lexington Road along the proposed extended route of applicant. A large number of these people appeared at the hearing and testified

to the urgent need for this local bus service on the ground that it would afford them a direct, rapid and convenient means of transportation to the City of El Monte, as well as all points along the present route of applicant.

It further appears that residents of South El Monte favor the proposed service as it will also furnish them direct transportation facilities to the territory now served and proposed to be served by applicant. Applicant W. F. Whitcomb testified that he has had constant and frequent requests for a long period of time from many of his patrons, as well as numerous residents along the proposed extended route for the establishment of this enlarged service.

After a careful consideration of all the evidence in this proceeding, we are of the opinion that public convenience and necessity require the proposed extended service of applicant and that the application should be granted.

W. F. Whitcomb 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.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation

by W. F. Whitcomb of a bus service as a common carrier of passengers between First and Indiana Streets in the City of Los Angeles and El Monte and intermediate points over and along the following route, to-wit:

Commencing at Terminal Depot, 1st and Indiana Streets, Los Angeles; east on 1st Street to Townsend Street; north on Townsend Street to Brooklyn Avenue; east on Brooklyn Avenue to Midnick Avenue; north on Midnick Avenue to Coyote Pass; via Coyote Pass to intersection of Fremont and Garvey Avenues; east on Garvey Avenue to Tyler Street, El Monte; north on Tyler Street to Colombia Street; east on Colombia Street to Main Street; northwest on Main Street to Tyler Street.

Returning; south on Tyler Street to Garvey Avenue; thence via reverse of above route to point of commencement,

as an extension of his present authorized service and not as a separate operating right, provided however, that said applicant shall not accept for transportation any passengers originating at any point within the city limits of the City of El Monte, California, and destined to First and Indiana Streets at the easterly city limits of the City of Los Angeles, or destined to any points west thereof, and likewise that the applicant will not accept for transportation at First and Indiana Streets any passengers destined to any point within the said city of El Monte.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said W. F. Whitcomb for the operation of the service hereinabove described, subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
2. 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 sixty (60) days from the date hereof.

3. 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.
4. 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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd day of October, 1928.

Leon Whitehall

C. Seaver

Thos. D. Lovitt

M. J. Curran
Commissioners.