

Decision No. 21693



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of Bay Cities Transit Company for)	
a Certificate of Public Convenience)	
and Necessity to operate automobile)	Application No.15928
passenger service between Culver)	
City and Westwood, (University of)	
California) Hilgard Avenue.)	

- Richard T. Eddy, for the Applicant.
- Frank Karr, R.E. Wedekind and O.A. Smith,
for Pacific Electric Railway Company,
Interested Party.
- J.O. Marsh and F.F. Ball, for the Board of
Public Utilities and Transportation
of the City of Los Angeles, Interested
Party.
- D.L. Campbell, for Pasadena-Ocean Park Stage
Line, Inc., Interested Party.
- C.H. Dodds, for the University of California,
Interested Party.

BY THE COMMISSION:

OPINION

The above entitled application, filed by the Bay Cities Transit Company on September 3, 1929, requests a certificate of public convenience and necessity to operate an automobile stage service for the transportation of passengers between Culver City and the University of California entrance on Hilgard Avenue near Beverly Boulevard, City of Los Angeles, all within the County of Los Angeles.

Applicant filed an amended application on September 16, 1929, in which the route as set forth in Exhibit 'B', filed in the original application was amended. Applicant alleges that the route as amended, will avoid congestion on Washington Boulevard; will enable applicant

to better serve the territory between Culver City and the University and was made at the request of the Board of Public Utilities and Transportation of the City of Los Angeles.

A public hearing was conducted by Examiner Gannon at Los Angeles, on September 26, 1929, at which time the matter was submitted and is now ready for decision.

The route proposed by applicant between Culver City and the University (as further amended at the hearing), a distance of six miles, is as follows:

Commencing at the University Entrance at Hilgard Ave; thence along Hilgard Ave. to Le Conte Ave; thence along Le Conte Ave. to Westwood Boulevard; thence along Westwood Boulevard to Pico Boulevard; thence along Pico Boulevard to Manning Ave; thence along Manning Ave. to Motor Ave; thence along Motor Ave. to Venice Boulevard; thence along Venice Boulevard to Bagley Ave; thence along Bagley Ave. to Culver Boulevard; thence along Culver Boulevard to Washington Boulevard; thence along Washington Boulevard to Motor Avenue; thence along Motor Ave; to Venice Boulevard and return over the same route.

Applicant does not propose to do any local business along Culver Boulevard between Bagley Avenue and Washington Boulevard.

The Board of Public Utilities and Transportation of the City of Los Angeles recently granted to applicant herein, a franchise to operate motor coach service between the entrance to the University on Hilgard Avenue and the intersection of Motor Avenue and Washington Boulevard, all within the City of Los Angeles, as shown in purple color on Exhibit 'B' attached to the application and designated as Route No.3. Applicant now seeks permission to extend said route, a distance of approximately 0.6 mile, terminating said line in Culver City.

The Board of Public Utilities and Transportation of the City of Los Angeles also granted to applicant herein a franchise to operate

motor coach service over the route, designated as Route No.2, and as shown in brown color on Exhibit 'B' attached to the application.

Two fare zones are proposed, each with a five-cent fare. Southbound, the limit of Zone 1 is at Pico Boulevard and Manning Avenue, and northbound at Pico and Westwood Boulevards.

Applicant proposes to give daily service between 7:00 A.M. and 6:00 P.M. on a thirty minute headway and to issue transfers from the proposed route to Route No.2 and vice versa, at the intersection of Westwood Boulevard and Mississippi Avenue, said transfers to be good within the five-cent fare zones, the limits of which are designated on Exhibit 'B' attached to the application.

Applicant alleges that the extension of its Route No.3 to business district of Culver City, together with a transfer privilege between the proposed route and Route No.2 will give a direct service between Culver City and the University and by use of transfers will furnish a service between Sawtelle and Culver City and also between Culver City and Fox Hills, between which points there is considerable travel.

The record shows that at the present time there is no direct public means of transportation between Culver City and the University.

Considering all the evidence in this proceeding, the Commission is of the opinion that public convenience and necessity require the operation of a motor coach service for the transportation of passengers between Culver City and the University of California entrance on Hilgard Avenue in the City of Los Angeles over the route as proposed by applicant.

Bay Cities Transit Company 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 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.

ORDER

A public hearing having been held in the above entitled proceeding, the matter having been submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Bay Cities Transit Company of a motor coach service between Culver City and the University of California entrance on Hilgard Avenue in the City of Los Angeles, over and along the following route:

Commencing at the University Entrance at Hilgard Ave; thence along Hilgard Ave. to Le Conte Ave; thence along Le Conte Ave. to Westwood Boulevard; thence along Westwood Boulevard to Pico Boulevard; thence along Pico Boulevard to Manning Ave; thence along Manning Ave. to Motor Ave; thence along Motor Ave. to Venice Boulevard; thence along Venice Boulevard to Bagley Ave; thence along Bagley Ave. to Culver Boulevard; thence along Culver Boulevard to Washington Boulevard; thence along Washington Boulevard to Motor Avenue; thence along Motor Ave. to Venice Boulevard and return over the same route.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Bay Cities Transit Company provided no local service be performed along Culver Boulevard between Bagley Avenue and Washington Boulevard, subject to the following conditions:

(1) Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from the date hereof.

(2) Applicant shall file in duplicate, within a period not

to exceed twenty (20) days from the date hereof, tariffs of rates and time schedules; such tariffs of rates and time schedules to be identical with those attached to the application herein and amended, or rates and time schedules satisfactory to this Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.

(3) The rights and privileges herein authorized may not be discontinued, sold, transferred nor assigned unless the written consent of this 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 contract or agreement on a basis satisfactory to this 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 19th day of October, 1929.

Thos D. Lewis

J. C. Scammy

Ernest J. Smith

Leon A. Whalley

W. J. Carr
Commissioners.