

Decision No. 21694.

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 passenger auto stage service between Inglewood and the University of California (Southern Branch) Campus at Westwood and intermediate points.

ORIGINAL

Application No. 15946.

Otis C. Dwy, for the applicant.
 Frank Karr, R. E. Wedeking and O. A. Smith, for Pacific Electric Railway Company, Protestant.
 Frank Karr and R. E. Wedeking, for Los Angeles Motor Coach Company, Protestant.
 R. D. Hill, for Los Angeles Railway Company, Protestant.
 D. L. Campbell, for Pasadena-Ocean Park Stage Line, Inc., 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.
 C. H. Dodds, for the University of California, Interested Party.

BY THE COMMISSION:

O P I N I O N

The above entitled application, filed by Otis C. Dwy on September 12th, 1929, petitions for a certificate of public convenience and necessity to operate an automobile stage service for the transportation of passengers between the City of Inglewood and the University of California, at Los Angeles, and intermediate points, all within the County of Los Angeles, State of California.

A public hearing was conducted by Examiner Gannon at Los Angeles on September 24th, 1929, at which time the matter was submitted and is now ready for decision.

The route proposed by applicant between the City of Inglewood and the University of California, a distance of twelve (12) miles, is as follows:

Commencing at Terminal Depot, Regent and Market Streets, Inglewood; north via Market and Commercial Streets to Centinela Avenue; west to Jefferson Street; southwest to Inglewood Boulevard; northwest to Culver Boulevard; north to Sawtelle Boulevard; northwest to Massachusetts Avenue; north to Sepulveda Boulevard; northwest to Wilshire Boulevard; northeast to Westwood Boulevard; via Westwood Boulevard to University of California Campus.

Applicant does not propose to transport any passengers locally between points in the Sawtelle territory now served by the Bay Cities Transit Company.

Applicant, by stipulation, amended his application so as to exclude the carrying of local passengers between his terminal depot at Regent and Market Streets and the intersection of Commercial Street and Centinela Avenue; along Culver Boulevard between Inglewood Boulevard and Sawtelle Boulevard; along Wilshire Boulevard between Sepulveda Boulevard and Westwood Boulevard and along Westwood Boulevard between Wilshire Boulevard and the University of California. The protests in this proceeding were waived upon the above stipulation.

Applicant proposes to operate a daily service on an hourly headway between 7:00 A.M. and 6:00 P.M.

Applicant's proposed service will connect with the Culver City Municipal motor coach line for Loyola College at intersection of Jefferson Boulevard and Inglewood Boulevard and with the municipal bus line for Venice at the intersection of Washington and Sawtelle Boulevards.

Otis C. Dwy, applicant, appeared and testified as to the need of the proposed service. Applicant also produced seven witnesses in his behalf, all interested in the service as proposed and

who testified as to the necessity for such a line of transportation.

The testimony shows that at the present time one hour and forty minutes is required to travel between Inglewood and the University by an indirect route and that by the establishment of the proposed service the trip will be made in forty-five minutes, thereby saving approximately two hours daily in travel time.

Mr. J. E. Dalton, Secretary-Manager of the Inglewood Chamber of Commerce, testified that 52 students from Inglewood, 12 students from El Segundo and 15 students from Hawthorne, who were interested in service to the University, had registered at the Chamber's office.

The record shows that the stage depot at Inglewood receives from 30 to 40 calls daily relative to service between Inglewood and the University and many calls for service between Inglewood and Culver City and Venice.

The record further shows that at the present time there is no direct public means of transportation between Inglewood and the University thereby necessitating, to a large extent, the use of privately owned conveyances for travel between points on the proposed route. It is apparent from the record that the proposed service will not only be a convenience but a necessity to this traffic.

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 transportation of passengers between the City of Inglewood and the University of California over the route as proposed by applicant.

Otis 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 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 duly 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 Otis C. Dwy of a motor coach service for the transportation of passengers between the City of Inglewood and the University of California at Los Angeles, over and along the following route:

Commencing at Terminal Depot, Regent and Market Streets, Inglewood; north via Market and Commercial Streets to Centinela Avenue; west to Jefferson Street; southwest to Inglewood Boulevard; northwest to Culver Boulevard; north to Sawtelle Boulevard; northwest to Massachusetts Avenue; north to Sepulveda Boulevard; northwest to Wilshire Boulevard; northeast to Westwood Boulevard; via Westwood Boulevard to University of California Campus.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Otis C. Dwy provided no local service be performed between the Terminal Depot at Regent and Market Streets and the intersection of Commercial Street and Centinela Avenue; along Culver Boulevard between Inglewood Boulevard and Sawtelle Boulevard and between the intersection of Pico Boulevard and Sawtelle Boulevard and the University of California, 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 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. Lott

Ch. James

Frank B. Kelly

Leon Whidley

M. J. Ann

Commissioners.