

Decision No. 21819

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 BAY CITIES TRANSIT CO. for a certificate
 of public convenience and necessity to
 operate an automobile passenger service
 between Ocean Park and Westwood along
 Wilshire Boulevard as an extension of
 its present service.

)
)
) Supplemental
) Application
) No. 15883
)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER
 ON
SUPPLEMENTAL APPLICATION

This is a supplemental application by Bay Cities Transit Co., for an order of the Commission authorizing it to operate through automotive passenger stage service between 17th Avenue and Speedway, Venice, and Hilgarde Avenue, (University entrance), via Pier Avenue, Main Street, Pico Boulevard, Ocean Avenue, Santa Monica Boulevard, Westwood Boulevard and Le Konte Avenue.

The route proposed to be followed and the service proposed are shown in exhibit marked amended Exhibit B. The proposed fares which cover transfer privileges with other lines operated by applicant are shown in amended Exhibit A, both exhibits being attached to the supplemental application herein and made a part thereof.

This supplemental application has been filed in accordance with a recommendation contained in this Commission's Decision No. 21765 which denied applicant authority to operate service from the bay cities territory to the University along Wilshire Boulevard, declaring, however, that the entire Bay Cities territory would be more adequately and conveniently served were the applicant herein to operate between the beach points and the University via Santa Monica Boulevard.

In view of such circumstances and the record in the proceedings on Application No.15894 and Application No.15883, on which said Decision No.21765 was based, we are of the opinion that this supplemental application should be granted. Pacific Electric Railway Company, which was granted, by Decision No.21765, authority to serve between the Beach territory and the University via Wilshire Boulevard is not opposed to the granting of the certificate sought in this supplemental proceeding. The extension as proposed, according to applicant, also has the approval of the Board of Public Utilities and Transportation of the City of Los Angeles. We are of the further opinion that it is a matter in which a public hearing is not necessary.

Bay Cities Transit Co. 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 Bay Cities Transit Co., of automotive passenger stage service between the intersection of Santa Monica and Sawtelle Boulevards, thence along Santa Monica Boulevard to Westwood Boulevard, thence to Le Konte Avenue to Hilgarde Avenue, thence to University Entrance, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and it is hereby granted to Bay Cities Transit Co., provided that the certificate granted herein shall not be considered as a separate right but as an ex-

tension of right under which said Bay Cities Transit Co, is now operating between Venice and Santa Monica and Sawtelle Boulevards, via Santa Monica Boulevard, and provided further, that service between Venice and Santa Monica and other points in the bay cities territory and the University of California performed over said extended operating right shall be a through service, and

IT IS HEREBY FURTHER ORDERED that the certificate granted herein shall be subject to the following conditions:

1- Applicant shall file its 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 thirty (30) 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 it 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 26th day of November, 1929.

Thos S. Lott
C. Seamy
Ernest C. ...
Leon ...
W. J. ...
COMMISSIONERS.