

Decision No. 24478

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MOTOR COACH COMPANY, a corporation,
 for a certificate to operate automo-
 bile passenger service along Seaside
 Avenue, from Genoa Place in the City
 of Los Angeles, County of Los Angeles,
 State of California, to 22nd Place in
 the City of Long Beach, County of
 Los Angeles, State of California, and
 to conduct said operation in con-
 junction with applicant's existing
 operations.) Application No. 17661

ORIGINAL

Mason and Windham, by Bruce Mason, for Applicant.

BY THE COMMISSION:

O P I N I O N

Motor Coach Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile passenger service, as a common carrier for compensation, along Seaside Avenue from Genoa Place in the City of Los Angeles, State of California, to 22nd Place, City of Long Beach, County of Los Angeles, State of California, and for the conducting of the aforesaid operation in conjunction with applicant's existing operations.

A public hearing was conducted by Examiner Handford at Long Beach, the matter was duly submitted and is now ready for decision.

Applicant proposes to operate and charge the same rates and fares as now exist between the Ferry Landing and Genoa Place and now on file with this Commission, and to operate on a schedule of four daily round trips with additional morning

and evening round trips to accommodate the laborers employed by the canneries, when such canneries are in operation. The equipment to be used is that now being operated by the applicant in connection with its presently operated and authorized lines.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts: Seaside Avenue throughout the major portion of the proposed extension runs along the north side of a popular beach. This beach is frequented by persons from all parts of Los Angeles County and now has no public transportation. Throughout the westerly portion of the proposed extension there are a number of residences of persons employed in the canneries and lumber yards near the Ferry Landing. These people are now without public transportation except by walking to Genoa Place and there taking the present service of the applicant.

At the hearing on this application there was no protest against the granting of the desired certificate.

The granting of the application is endorsed by written communications from the following public bodies:

Board of Public Utilities and Transportation, City of Los Angeles.

City Council, City of Long Beach.

Board of Directors, San Pedro Chamber of Commerce.

General Manager, Los Angeles Harbor Department.

Board of Directors, Wilmington Chamber of Commerce.

General Manager, Union Pacific System.

It appears that there are recreation facilities at the beach to be served by the proposed extension, which have no public transportation.

After a careful review of the record in this proceeding we are of the opinion that the application should be granted, not as a new or separate certificate but as an extension to certificate

rights already granted to this applicant.

Motor Coach Company, a corporation, 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 limited in any respect to the number of rights which may be given.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Motor Coach Company, a corporation, of an automobile service for the common carriage of passengers over and along the following route:

Commencing at the intersection of Genoa Place and Seaside Avenue in East San Pedro (Terminal Island), thence easterly along Seaside Avenue to 22nd Place in the City of Long Beach, and returning by the reverse of the same route.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to Motor Coach Company, a corporation, not as a new and separate certificate but as an extension of and to the operative rights now held by said Motor Coach Company and as contained in Decision No. 21084 on Application No. 15421, decided May 11, 1929, and subject to the following conditions:

1. Applicant shall file its acceptance of the extension of certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
2. Applicant shall file in duplicate and make effective within a period of not to exceed thirty (30) days from the date hereof a tariff or tariffs constructed in accordance with the requirements of the Railroad Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
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 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 25th day of January, 1932.

C. J. [Signature]
Leon [Signature]
W. A. [Signature]
W. B. [Signature]
Fred G. [Signature]