

Decision No. 26281

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
F. D. MANNINO, JOHN FERRARA and  
SAN PEDRO MOTOR BUS ASSOCIATION for  
certificate of public convenience  
and necessity authorizing operation  
of automotive bus for the transporta-  
tion of passengers, between San Pedro  
and Royal Palms as an alternate route  
to be operated on special occasions.

**ORIGINAL**

Application No. 18913.

R. L. Landier, for applicant.  
James Gunn, for Board of Public Utilities and  
Transportation, City of Los Angeles, interested  
party.  
H. P. Marler, for Pacific Electric Railway,  
interested party.

BY THE COMMISSION:

OPINION

Applicants propose the establishment of auto stage  
passenger service between Fifth and Front Streets in the San  
Pedro district of the City of Los Angeles to White Point on the  
Pacific Ocean, in unincorporated territory in the County of Los  
Angeles.

A public hearing thereon was conducted by Examiner  
Kennedy at Los Angeles.

F. D. Mannino testified that he and his partner have  
seven buses, 21-passenger and 25-passenger. They intend to use  
one or more vehicles in the proposed service. No schedules are  
proposed as the necessity for transportation is irregular. The  
fare proposed is 10 cents one way between termini, or 5 cents  
between the City limits and White Point.

B. P. Sepulveda, owner of the resort, its hotel and

hot springs, testified that while most of the visitors come in private automobiles, special service is needed. Frequent service for parties, dances, etc. and Saturday and Sunday operation is desirable. No opposition was expressed by those appearing.

Whatever service is established it must be wholly independent of urban operations. Applicants state their willingness to so operate either between termini or by a shuttle service between the terminus of urban service and White Point.

It is our conclusion that the certificate should be issued for through service only. If applicants desire to use only shuttle service, change of schedule may be authorized. An order accordingly will be entered.

F. D. Mannino and John Ferrara are 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.

#### C R D E R

F. D. Mannino and John Ferrara, co-partners, having made application for a certificate of public convenience and necessity for the automotive transportation of passengers between San Pedro, a district of the City of Los Angeles, and White Point (Royal Palms), a public hearing having been held and the matter having been duly submitted,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require

the establishment of automotive service on demand only, for the transportation of passengers between termini, as applied for, over and along the following route:

Beginning at Fifth and Front Streets, thence via Front, Seventh, Caffey, Eighteenth, Alma, Thirty Seventh, Barbara and Paseo del Mar, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to F. D. Mannino and John Ferrara, co-partners, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicants shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the 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 insofar as they conform to the certificate herein granted.
3. Applicants shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from date hereof, on not less than five days' notice to the Commission and the public, 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 applicants herein unless such vehicle is owned by said applicants or is leased by them 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 14<sup>th</sup> day  
of August, 1933.

O. L. Leary  
Leon O. White

V. M. B. Harris  
W. H. Harris  
COMMISSIONERS.