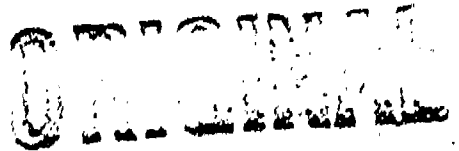


Decision No. 27934.



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BAY CITIES TRANSIT COMPANY for an
"in lieu" certificate.

Application No. 19833.

Richard T. Eddy, for Applicant.

R. E. Wedekind, for Pacific Electric Rail-
way Company, Protestant.

Woodward M. Taylor and R. E. Wedekind for
Los Angeles Motor Coach Company, Pro-
testant.

James Gunn, for the Board of Public Utilities
and Transportation of the City of Los
Angeles, Interested Party.

Leo Muchenberger, Santa Monica-Ocean Park
Chamber of Commerce, Interested Party.

T. D. Plummer, City of Santa Monica Muni-
cipal Bus Lines, Interested Party.

BY THE COMMISSION:

O P I N I O N

Bay Cities Transit Company filed the above entitled application, seeking a certificate of public convenience and necessity in lieu of its present certificates, which in lieu certificate is to include other motor coach services being rendered by virtue of authority granted or permits issued by the Cities of Santa Monica and Los Angeles.

A public hearing on this application was conducted by Examiner Gorman at Los Angeles on April 17th, 1935, at which time the matter was duly submitted.

Applicant, for the last several years, has been engaged in the operation of passenger coaches as a common carrier, rendering service in what generally may be described as the Bay Cities

Area of Santa Monica, Venice, Ocean Park, Sawtelle and West Los Angeles, including the University of California at Los Angeles. Certain of applicant's operations are conducted under certificates of public convenience and necessity granted by this Commission, while others are rendered under and by virtue of authority granted by the City of Santa Monica or permits issued by the Board of Public Utilities and Transportation of the City of Los Angeles.

In the past, applicant has issued transfers between its lines being operated under certificates from this Commission and its lines operated wholly within the Cities of Los Angeles and Santa Monica and applicant alleges that it has been advised that, by so doing, it may have subjected its entire operations to the jurisdiction of this Commission. Applicant now seeks a certificate of public convenience and necessity covering its entire operations, which include lines now being operated under certificates from this Commission, as well as those lines being operated by authority granted or permits issued by the Cities of Santa Monica and Los Angeles.

By Decision No. 9646, dated October 26th, 1921, on Application No. 7235, applicant was authorized to operate a motor coach service between Venice and the Soldiers' Home at Sawtelle. By Decision No. 21765, dated November 7th, 1929, and Decision No. 21819, dated November 26th, 1929, on Application No. 15883, applicant was authorized to extend said service to the University of California at Westwood and to operate the same as an extension to the right granted under Decision No. 9646. The route for said line hereafter will be shown as Route No. 1.

By Decision No. 10804, dated August 1st, 1922, on Application No. 7381, applicant was granted authority to operate a

passenger line between Ocean Park and the Soldiers' Home at Sawtelle, as a part of a line then operated under authority from the City of Santa Monica. The route of said line hereafter will be referred to as Route No. 2.

By Decision No. 12224, dated June 19th, 1923, applicant was authorized to operate a passenger motor coach service in Santa Monica and Venice. Subsequent to the issuance of said decision, the names of certain streets shown in said order have been changed. Applicant also alleges that with the opening of Pier Avenue in Santa Monica, between Main Street and Washington Boulevard, the route was slightly changed, so as to operate between Pier and Rose Avenues along Washington Boulevard, rather than Main Street, and that the original authority from the City of Santa Monica provided for a terminus at Seventeenth Street, which later was changed to Twenty-sixth Street. The route of said line hereafter will be referred to as Route No. 3.

Under authority conferred by the city, applicant is now operating two lines entirely within the City of Santa Monica. Applicant proposes to abandon one of these routes and to make certain changes in the other. These proposed changes have been approved by the City of Santa Monica and, when made, applicant will operate but one route within the limits of that city, which route hereafter will be referred to as Route No. 4. The application was amended to provide a route slightly different from that contained in the original application as Route No. 4.

Applicant now operates six motor coach lines entirely within the limits of the City of Los Angeles, under permits issued by the Board of Public Utilities and Transportation of said city. The routes of said lines hereafter are referred to as Routes Nos. 5 to 10, inclusive.

Route No. 8 is now being operated between the intersection of Santa Monica and Sawtelle Boulevards and the Soldiers' Home. Applicant amended its application seeking authority to abandon the so-called Route No. 8.

Applicant proposes to operate approximately the same schedules as are now being operated and to charge the same fares as those now in effect, except that it proposes to establish six tokens for twenty-five cents, each token to be equivalent to each five-cent unit of the fare. Applicant also proposes to issue transfers between certain of its motor coach lines and the lines of the Santa Monica Municipal Bus System.

Mr. J. P. Anderson, President of the applicant company, testified that his company was not seeking a certificate of public convenience and necessity to operate a consolidated or unified system but was seeking a certificate in lieu of all existing certificates and that each route would be operated as a single unit, with the exception of the issuance of transfers between the various lines. In view of Mr. Anderson's testimony, Pacific Electric Railway Company and Los Angeles Motor Coach Company withdrew their protest to the granting of this application. No other protest was made at the hearing in this matter. The Board of Public Utilities and Transportation of the City of Los Angeles advised that it had no objection to the granting of this application, including the abandonment of the so-called Route No. 8.

The record shows that a new motor coach and street car terminal is being built at the intersection of Pico Boulevard and Rimpau Boulevard, in the City of Los Angeles. Lines 5 and 6 now terminate at Muirfield Avenue, a distance of two blocks east of Rimpau Boulevard. As soon as these new terminal facilities have been completed, applicant proposes to terminate Lines 5 and 6 at said point.

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 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.

O R D E R

The above entitled application having been filed, a public hearing having been held and the Commission being fully apprised of the facts; therefore,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Bay Cities Transit Company of an automotive passenger service for the transportation of passengers in the Bay Cities area of Santa Monica, Venice, Ocean Park, Sawtelle and West Los Angeles, including the University of California at Los Angeles, all in the County of Los Angeles, and between termini and intermediate points, as shown on Exhibit "A," attached hereto and made a part hereof.

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 Company, in lieu of all and not in addition to the rights and certificates heretofore acquired by applicant, which existing rights and certificates are hereby revoked and annulled, subject, however, to the following conditions and not otherwise:

- (1) Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.

- (2) Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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 amended exhibit attached to the application, in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.
- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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) Applicant is authorized to turn its motor coaches around at the termini of any or all of the routes herein described, or at points where schedules may terminate along said routes, by operating such motor coaches in either direction around the block at the termini of said routes, or at points where schedules may be so terminated along said routes, and to carry passengers thereon and thereover, provided, however, that such turn-around route shall not encompass more than one square city block or the equivalent of one square city block, at such terminal as traffic regulations of the municipality may require.
- (5) Applicant is authorized to terminate its Routes 5 and 6 at the new terminal facilities, located at the intersection of Pico Boulevard and Rimpau Boulevard, in the City of Los Angeles, upon the completion of said facilities.
- (6) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- (7) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 6th day of May, 1935.

Leon A. Whelan

W. A. Cunniff

M. B. Davis

Walter H. Brown

Frank R. Wilson

Commissioners.

EXHIBIT "A"

Description of routes over which Bay Cities Transit Company is herein certificated to operate automotive passenger stages.

ROUTE NO. 1 - SANTA MONICA BOULEVARD LINE.

Commencing at the intersection of Pacific Avenue and Venice Way; thence via Venice Way, Windward Avenue, Speedway, Pier Avenue, Main Street, Pico Boulevard, Ocean Avenue, Santa Monica Boulevard, Beloit Avenue, Massachusetts Avenue and Sawtelle Boulevard to Santa Monica Boulevard; returning via same route to Windward Avenue and Second Avenue; thence via Second Avenue to Venice Way and Depot.

University Extension

From Beloit Avenue and Santa Monica Boulevard, via Santa Monica Boulevard, Westwood Boulevard, Le Conte Avenue, Hilgarde Avenue and University Drive to the University Entrance; returning via same route.

ROUTE NO. 2 - WILSHIRE BOULEVARD LINE.

Commencing at the intersection of Speedway and Pier Avenue; thence via Pier Avenue, Main Street, Hill Street, Fourth Street, Wilshire Boulevard, to Federal Avenue; thence via Federal Avenue to San Vicente Boulevard; thence via San Vicente Boulevard to Wilshire Boulevard; returning via Wilshire Boulevard, Fourth Street, Hill Street and Main Street to Kinney Street; thence via Kinney Street to Speedway and thence via Speedway to Pier Avenue.

ROUTE NO. 3 - LINCOLN BOULEVARD LINE.

Commencing at 26th Street and Montana Avenue; thence via Montana Avenue, Lincoln Boulevard, Santa Monica Boulevard, Fourth Street, Broadway, Lincoln Boulevard, Rose Avenue, Speedway, Pier Avenue and Washington Boulevard to Rose Avenue; thence returning via Rose Avenue and the balance of the same route.

ROUTE NO. 4 - CARLYLE AVENUE & CROSSTOWN LINE.

Commencing at Pier Avenue and Speedway; thence via Pier Avenue, Main Street, Hill Street, Fourth Street, San Vicente Boulevard, Seventh Street, Georgina Street, Ninth Street, Carlyle Avenue, Twenty-fifth Street, San Vicente Boulevard, Twenty-sixth Street, Montana Avenue, Twentieth Street, Delaware Street and Clover Field Boulevard to Pico Boulevard; returning via the same route to the intersection of Main Street and Kinney Street; thence via Kinney Street and Speedway to point of commencement.

ROUTE NO. 5 - PICO BOULEVARD & SOLDIERS' HOME LINE.

Commencing at the intersection of Pico Boulevard and Muirfield Avenue, thence via Pico Boulevard, Fox Hills Drive, Keswick Avenue, Kerwood Avenue, Lauriston Avenue, Prosser Avenue,

Mississippi Avenue, Sepulveda Boulevard, La Grange Avenue and Sawtelle Boulevard to Soldiers' Home; returning via the same route. (See Condition (5) of Decision).

ROUTE NO. 6 - PICO BOULEVARD-UNIVERSITY LINE.

Commencing at the intersection of Pico Boulevard and Muirfield Avenue; thence via Pico Boulevard, Westwood Boulevard, Le Conte Avenue, Hilgarde Avenue and University Drive to the entrance of University of California at Los Angeles; returning via the same route. (See Condition (5) of Decision).

ROUTE NO. 7 - SOLDIERS' HOME LOOP LINE.

Commencing at the intersection of Sawtelle Boulevard and Santa Monica Boulevard; thence via Sawtelle Boulevard, Soldiers' Home Grounds, Wilshire Boulevard, San Vicente Boulevard, Darlington Avenue, Bundy Drive, Wilshire Boulevard, Barry Avenue and Santa Monica Boulevard to Sawtelle Boulevard.

ROUTE NO. 9 - BROADWAY AND LINCOLN BOULEVARD LINE.

Commencing at Venice Way and Pacific Avenue; thence via Venice Way, Windward Avenue, Riviera Avenue, Westminster Avenue, Fourth Avenue, Broadway, Seventh Avenue, California Avenue, Lincoln Boulevard, Rialto Avenue, Penmar Avenue, Nowita Place, Lincoln Boulevard, Venice Boulevard, Electric Avenue, Rialto Avenue, Washington Boulevard, Westminster Avenue and Riviera Avenue to Venice Way and Pacific Avenue.

ROUTE NO. 10 - VICTORIA AVENUE LINE.

Commencing at Venice Way and Pacific Avenue; thence via Venice Way, Windward Avenue, Riviera Avenue, Westminster Avenue, Washington Boulevard, Rialto Avenue, Electric Avenue, Venice Boulevard, Victoria Avenue, Walgrove Avenue, Venice Boulevard, Glencoe Avenue, Victoria Avenue, Venice Boulevard, Electric Avenue, Rialto Avenue, Washington Boulevard, Westminster Avenue and Riviera Avenue to Venice Way and Pacific Avenue.