

Decision No. 28867

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the First Supplemental Application of MOTOR COACH COMPANY, a corporation, for authority to extend its existing service for the transportation of persons as a common carrier for compensation, between Orange Avenue, in the City of Long Beach, and the Long Beach Junior College and intermediate points and between the Long Beach Junior College and the intersection of Ximeno Avenue and East Broadway in the City of Long Beach and intermediate points via Carson Street, Cerritos Avenue and Ximeno Avenue as an enlargement and extension of Applicant's existing motor-coach service; and to merge and consolidate all of said operative rights, and to operate the same as a unified and consolidated system.

ORIGINAL

Application No. 20014.

BY THE COMMISSION:

O P I N I O N

Motor Coach Company, a corporation, herein applies for a certificate of public convenience and necessity to extend certain of its services in and about the City of Long Beach for the purpose of enabling the students at the Long Beach Junior College to have more direct routing to that institution; and, also, for the purpose of serving areas not now served by public carrier service. Applicant also seeks a certificate authorizing the establishment of a new automotive passenger service between the intersection of Broadway

and Kimeno Avenue and the intersection of Carson Street and Cerritos Avenue.

The extensions sought connect various lines of the Motor Coach Company and form additional connections with the lines operated internally in Long Beach by Lang Transportation Company under its franchise with the City of Long Beach.

It is estimated that the rerouting as proposed and the new routing sought will save students attending the Junior College and others visiting the Country Club and other institutions nearby approximately three miles' travel distance. The improvements have been induced by requests upon applicant by residents of North Long Beach, Long Beach, East Long Beach, Belmont Shore, and officially by the Board of Education of the City of Long Beach.

No new fares are proposed except the charge of a 5¢ fare between Broadway and Kimeno Avenue and Carson Street and Cerritos Avenue. The schedules proposed are to be maintained only on days when public schools (including the Junior College) are actually in session.

The proposed improved routings do not adversely affect other transportation systems. The application will be granted.

Motor Coach 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

Motor Coach Company, a corporation, having made application for a certificate of public convenience and necessity authorizing extensions of its service in and about Long Beach, and this being a matter in which a public hearing appears unnecessary,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the establishment of an automotive service for the transportation of passengers between Long Beach and the Long Beach Junior College over and along the following routes:

- (a) Between the intersection of Orange Avenue and 37th Street, via 37th Street to American Avenue, thence via American Avenue to Bixby Road, thence via Bixby Road to the intersection of Bixby Road and Orange Avenue, and intermediate points;
- (b) Between the intersection of Bixby Road and Orange Avenue, via Bixby Road to Elm Avenue, thence via Elm Avenue to 37th Street, thence via 37th Street to Orange Avenue and intermediate points;
- (c) Between the intersection of Carson Street and Cerritos Avenue, via Cerritos Avenue to Hathaway Drive, thence via Hathaway Drive to Ximeno Avenue, thence via Ximeno Avenue to the intersection of Ximeno Avenue and East Broadway; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to Motor Coach Company, a corporation, as an extension and enlargement of the operative rights heretofore granted by Decision 28178 on Application No. 20014 and consolidated therewith and subject to all of the restrictions imposed therein and

subject to the following conditions:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad 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 in so far as they conform to the certificate herein granted, or rates and rules 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 Railroad 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 obtained.
5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant 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 8th
day of June, 1936.

W. B. Blain
Leon Whittell
W. H. ...
Francis ...
COMMISSIONERS.