

Decision No. 28825

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of MOTOR TRANSIT COMPANY for
authority to establish a branch
from its Los Angeles to San Bernardino
and Redlands via Valley Boulevard
passenger stage service from El
Monte to Cogswell Road (Government
Tract).

Application No. 20581

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Motor Transit Company, a corporation, herein seeks a certificate of public convenience and necessity for the transportation of passengers between El Monte and a location known as "Government Tract" which is near the intersection of Cogswell Road and The Wye lying approximately three (3) miles northeasterly from El Monte.

Applicant alleges that the Government Tract has been recently opened as a Federal Housing project and that there are approximately five hundred (500) homes established there. Applicant further alleges that requests have been made to it by the El Monte Chamber of Commerce and residents of El Monte and of the Government Tract for the establishment of the proposed service for a trial period of ninety (90) days.

It is proposed to establish the service on a ninety (90) day trial basis in order to determine whether or not the people in the territory of Government Tract will avail themselves of such service and whether or not the revenue derived therefrom will be sufficient to pay the expenses of the operation.

Applicant proposes to extend its present Los Angeles--El Monte local service for the additional distance of approximately three (3) miles to the Government Tract for such ninety (90) day trial period. The fare to be charged will be five (5) cents over the fare between Los Angeles and El Monte, with a local fare of five (5) cents in the territory between El Monte and Cogswell Road (Government Tract). The service offered will be on approximately an hourly headway from 6 A.M. to 8 P.M. It is proposed to use the same equipment which is now used in the local operation of the above mentioned Los Angeles--El Monte local service.

This does not appear to be a matter in which a public hearing is necessary and the application will be granted.

Motor 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 RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Motor Transit Company of an automotive passenger stage service, as defined in Section 2½ of the Public Utilities Act, as a common carrier for the transportation of passengers between El Monte and Government Tract and intermediate points over and along the following route:

From applicant's present depot at 409 West Main Street, El Monte, easterly over Main Street to Columbia Street, easterly over Columbia Street to Peck Road, northerly over Peck Road to Hallwood Drive, easterly over Hallwood Drive to the "Wye", to Cogswell Road, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and it is hereby, granted to Motor Transit Company not as a separate operating right, but as an extension and enlargement of its present operating rights as heretofore established by Decision No. 13454, dated April 22, 1924 and amended by Decision No. 13548, dated May 15, 1924 both in Application No. 8454, subject to the following conditions:-

1. Applicant shall operate the service herein authorized for a period of ninety (90) days from and after the inception of such service, provided that on or before the expiration date of this period applicant shall notify the Railroad Commission in writing that it elects either to make permanent or abandon said service
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
3. Applicant shall commence the service herein authorized within a period of not to exceed ten (10) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than one (1) 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 conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission
4. Applicant shall file, in duplicate, and make effective within a period of not to exceed ten (10) days after the effective date of this order, on not less than one (1) days notice to the Railroad Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.

5. 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.

6. 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.

7. Applicant is authorized to turn its motor vehicles at termini in the intersection of streets or by operating around a block contiguous to such intersection, in either direction, and to carry passengers thereon and thereover.

The effective date of this order shall be the date
hereof.

Dated at San Francisco, California, this 15th day
of June, 1936.

W B Harris
Leon Whittell
M A Cunn
Walter Brown
Paul R. Allen
Commissioners.