

Decision No. 29785

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PACIFIC GREYHOUND LINES, a)
corporation, for certificate of)
public convenience and necessity to)
operate a passenger stage service,)
as a common carrier of passengers,)
baggage and express between:)
(1) Los Angeles and Tustin;)
(2) Del Mar and Del Mar Race Track)

Application No. 21069

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In this application Pacific Greyhound Lines, a corporation, requests an order of the Commission granting a certificate of public convenience and necessity for the operation of an automotive passenger stage service for the transportation of passengers, baggage and express between Los Angeles and Tustin over the following route:

- (a) Between its Los Angeles Depot and intersection of Ninth and Indiana Streets, Los Angeles (intersection of State Routes 166 and 173) via Sixth Street, Boyle Avenue, Eighth Street, Olympic Boulevard, and Ninth Street;
- (b) Between the intersection of Ninth and Indiana Streets (intersection of State Routes 166 and 173) and Santa Fe Springs (intersection of State Routes 166 and 170) via State Route 166;
- (c) Between Santa Fe Springs (intersection of State Routes 166 and 170) and Norwalk via State Route 170;
- (d) Between Norwalk and intersection of State Routes 2 and 174 (near Miraflores) via State Route 174;
- (e) Between intersection of State Routes 2 and 174 (near Miraflores) and intersection of El Portal Avenue and North Main Street, Santa Ana, via State Route No. 2;

- (f) Between intersection of El Portal Avenue and North Main Street, Santa Ana, and intersection of Seventeenth Street and Tustin Avenue (State Route 43) via El Portal Avenue, Bush Street and Seventeenth Street;
- (g) Between intersection of Tustin Avenue and Seventeenth Street (State Route 43) and Tustin via State Route 43.

and between Del Mar and Del Mar Race Track via the County Highway.

Applicant further requests that the certificates herein sought be granted as an extension and enlargement of their present operating rights and to be consolidated therewith.

Applicant's proposal in so far as the route between Los Angeles and Tustin via Santa Fe Springs is concerned does not contemplate regular local scheduled service, said route being established as an alternate route for limited, extra and second section schedules.

The proposed Del Mar-Del Mar Race Track operation likewise does not contemplate regular scheduled service, said route to be used only when traffic demands in connection with race meets and other events at the Race Track.

In justification of the granting of certificate of public convenience and necessity herein prayed for, applicant alleges:

"In the conduct of its service between Los Angeles and San Diego it is frequently necessary to operate extra and limited schedules as additional sections to its regular schedules between Los Angeles and San Diego for the transportation of through passengers.

"Authority is sought by this applicant to establish a new route between Los Angeles and Tustin for such extra and limited service, thereby avoiding congested areas and making use of the most desirable route between these points, thus permitting improvement in service to better meet the demands of public convenience and necessity. Inasmuch as no passengers are to be picked up or discharged between Los Angeles and Santa Ana in connection with the proposed new route via Santa Fe Springs, and inasmuch as this route will also be governed by the general Southern California restriction, no new condition will be established affecting transportation between Los Angeles and Santa Ana and Tustin.

"The Twenty-second Agricultural District has constructed a fairgrounds and race track on the county highway, one mile from the main highway, at Del Mar, and requests have been received for direct service between said fairgrounds and San Diego during such times as racing meets and other events are being conducted, and applicant proposes, in order to meet such demands of public convenience and necessity, to establish service between San Diego and the fairgrounds."

The Atchison, Topeka and Santa Fe Railway having, in writing, under date of May 12, 1937, stated that they will not oppose the granting of this application and no further protests having been received, a public hearing in this matter does not appear necessary and the application will be granted ex parte.

Pacific Greyhound Lines 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 Pacific Greyhound Lines, a corporation, of a common carrier automotive service as a passenger stage corporation as such is defined in Section 2-1/4 of the Public Utilities Act for the transportation of passengers, baggage and express between Los Angeles and Tustin over the following route:

- (a) Between its Los Angeles Depot and intersection of Ninth and Indiana Streets, Los Angeles (intersection of State Routes 166 and 173) via Sixth Street, Boyle Avenue, Eighth Street, Olympic Boulevard, and Ninth Street;
- (b) Between the intersection of Ninth and Indiana Streets (intersection of State Routes 166 and 173) and Santa Fe Springs (intersection of State Routes 166 and 170) via State Route 166;
- (c) Between Santa Fe Springs (intersection of State Routes 166 and 170) and Norwalk via State Route 170;
- (d) Between Norwalk and intersection of State Routes 2 and 174 (near Miraflores) via State Route 174;
- (e) Between intersection of State Routes 2 and 174 (near Miraflores) and intersection of El Portal Avenue and North Main Street, Santa Ana, via State Route No. 2;
- (f) Between intersection of El Portal Avenue and North Main Street, Santa Ana, and intersection of Seventeenth Street and Tustin Avenue (State Route 43) via El Portal Avenue, Bush Street and Seventeenth Street;
- (g) Between intersection of Tustin Avenue and Seventeenth Street (State Route 43) and Tustin via State Route 43.

and between

Del Mar and Del Mar Race Track via County Highway, subject to the condition that regular scheduled service need not be maintained, said route to be used only when traffic demands in connection with race meets and other events at the Race Track require such service.

as an extension and enlargement of applicant's existing rights and to be consolidated therewith subject to the following restrictions:

- (a) No passengers, baggage or express shall be picked up or discharged at intermediate points between Los Angeles and Santa Ana on route via Santa Fe Springs.
- (b) No passengers, baggage or express shall be transported locally over any of the routes of the applicant within the territory bounded as follows:

Castellamare, Hollywood, San Fernando, San Bernardino, Riverside, Redlands, Santa Ana, Newport Beach, Long Beach, Santa Monica, nor between any of said points including points intermediate thereto, subject only to the following exceptions:

(1) Local service may be rendered between Long Beach and Newport Beach and intermediate points.

(2) Local service may be rendered between Los Angeles and San Fernando, and all intermediate points via Hollywood on through cars destined to or arriving from points north of Saugus or Oxnard except between Los Angeles and Hollywood.

(3) The right to transport passengers, baggage and express to or from points in said restricted territory from or to points outside of said restricted territory is not to be affected by this restriction.

(c) Regular local scheduled service need not be maintained on route between Los Angeles and Tustin via Santa Fe Springs, said route being established as an alternate route for limited, extra, and second section schedules.

(d) No single package shall be accepted for shipment that weighs in excess of one hundred (100) pounds, and all express must be transported on passenger vehicles only, except as to property transported for or through the agency of Railway Express Agency, and milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restriction as to weight and vehicle shall not apply.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to Pacific Greyhound Lines 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, stipulating therein that said certificate is granted as an extension and enlargement of applicant's operating rights to be consolidated therewith and is not a new and separate operating right.

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.

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

Dated at San Francisco, California, this 24th day of

May, 1937.

Leon Whitney

Walter R. ...

Ray & Alley
COMMISSIONERS.