

Decision No. 29812

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of LAGUNA BEACH-SANTA ANA STAGE
LINE for authority to extend its
service between its depot at
Forest Avenue and Coast Highway,
Laguna Beach and the South City
Limits of Laguna Beach.

Application No. 21179

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Applicant Laguna Beach-Santa Ana Stage Line, a corporation, in the conduct of its passenger stage operations between Santa Ana and Laguna Beach herein seeks authority to extend the route of such operation within the city of Laguna Beach from applicant's present terminus therein to a point where the southerly city limits of said Laguna Beach is intersected by the Coast Highway. The transportation of passengers over and along such extension will be at the present fares of applicant.

As justification for such authority, applicant alleges that its present terminal in Laguna Beach is at Forest Avenue and Coast Highway, a point approximately three miles northerly from the southerly city limits of said Laguna Beach; that the greater portion of the population of said Laguna Beach lives in that portion of said city between applicant's present depot and the southerly limits of said city; that passengers desiring to avail themselves of applicant's present service are forced to use private transportation between their homes and applicant's present depot; that if applicant is permitted to extend its present service

as above set forth said passengers will be enabled to avail themselves of applicant's service without resort to private transportation.

The authority herein sought appears to be reasonable and in the public interest and it further appears that this is not a matter requiring a public hearing as the only competing carrier in the territory involved has, in writing, filed a waiver of protest. The application will be granted.

Laguna Beach-Santa Ana Stage Line 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

An application therefor having been filed and the Commission being fully advised therein,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the extension by applicant of its present automotive passenger stage service over and along Coast Highway between the intersection of said Highway and Forest Avenue in the city of Laguna Beach and the intersection of said Coast Highway and the southerly city limits of the city of Laguna Beach and intermediate points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Laguna

Beach-Santa Ana Stage Line 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 set forth in 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 14 day of

June, 1937.

Leon G. Whitely
Frank R. Allen
Raymond E. Johnson
Ray E. Allen
COMMISSIONERS.