

Decision No. 21498

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WILLIAM C. KEMBLE and FELICIEEN P.
LANDIER, a co-partnership, doing busi-
ness as KEMBLE & LANDIER, for certi-
ficate of public convenience to oper-
ate an automobile passenger service
between Central and Manchester Avenues,
Los Angeles, and Tweedy Road and Santa
Fe Avenue, Los Angeles County.

Application No. 21513

ORIGINAL

B. Russell Priess, for applicants.
H. O. Marler, for Pacific Electric Railway Company
interested party.

BY THE COMMISSION:

O P I N I O N

William C. Kemble and Felicien P. Landier, a co-partnership, doing business as Kemble & Landier, ask permission to establish service as a common carrier for the transportation of passengers between Central and Manchester Avenues, in the City of Los Angeles, and Tweedy Road and Santa Fe Avenue, Los Angeles County, and intermediate points as follows:-

1st Terminal:- Central and Manchester, East on Manchester to Hooper Avenue; South on Hooper to 92nd Street; East to Zamora Avenue; South to 99th Street; West to Central Avenue; South to 103rd Street to Alameda Street; North to Tweedy Road; East to Santa Fe Avenue.

2nd Terminal:- Tweedy Road at Santa Fe Avenue, West on Tweedy Road to Alameda Street; South to 103rd Street; West to Central Avenue; North to 99th Street; East to Zamora Avenue; North to 92nd Street; West to Hooper Avenue; North to 87th Street; West to Central Avenue; North to Manchester Avenue to the point of beginning.

The route is delineated on the map filed as Exhibit C in this proceeding.

The Commission by its decision in Application No. 21498 authorized the transfer to said William C. Kemble and Felicien P. Landier, a co-partnership doing business as Kemble & Landier, of a certificate of public convenience and necessity permitting them to transport

passengers as a common carrier over the following route, to-wit:

Beginning at 103rd and Graham Streets, Los Angeles, West to Compton Avenue, South on Compton Avenue to 118th Street, thence east on 118th Street to Wilmington, thence north on Wilmington Avenue to 103rd Street, thence West on 103rd Street to point of beginning.

The partnership will continue to charge a five cent fare over the existing route. It proposes, however, to charge a six cent fare over the new route and one cent for a transfer from a bus on the old route to a bus on the new route. The additional charge, it is said, is made necessary because of increased costs of operation.

Applicants will operate one bus over the new route on a schedule appearing on Exhibit B filed in this proceeding. They have at hand additional equipment in the event it is needed.

The granting of the application will enable applicants to render a frequent transportation service to and from the plant of General Motors Corporation and to serve a territory which at present has no common carrier transportation facilities.

No one appeared at the hearing to oppose the new service which applicants desire to inaugurate. Mr. H. O. Marler, representing the Pacific Electric Railway Company, urged that the application be granted. The establishment of the new bus service is recommended by the Board of Public Utilities and Transportation of the City of Los Angeles, by the Watts Chamber of Commerce, and by Charles W. Pickens, assistant traffic manager for the General Motors Corporation for Southern California.

The order herein will grant the request of William C. Kemble and Felicien P. Landier. However, they are 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 holders 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

A public hearing having been held in this matter before Examiner Fankhauser and the Commission having considered the evidence submitted at said hearing,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AND DECLARES that public convenience and necessity require the operation by William C. Kemble and Felicien P. Landier, a co-partnership, doing business as Kemble & Landier, of an automotive service for the transportation of passengers over and along the route hereinafter described, with the right to serve intermediate points between termini of said route, and transfer passengers to and from their present route. The route over and along which said new service may be rendered is shown on the map filed in this proceeding as Exhibit C and is described as follows:-

1st Terminal:- Central and Manchester, East on Manchester to Hooper Avenue; South on Hooper to 92nd Street; East to Zamora Avenue; South to 99th Street; West to Central Avenue; South to 103rd Street to Alameda Street; North to Tweedy Road; East to Santa Fe Avenue.

2nd Terminal:- Tweedy Road at Santa Fe Avenue, West on Tweedy Road to Alameda Street; South to 103rd Street; West to Central Avenue; North to 99th Street; East to Zamora Avenue; North to 92nd Street; West to Hooper Avenue; North to 87th Street; West to Central Avenue; North to Manchester Avenue to the point of beginning.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be, and the same is hereby, granted to said William C. Kemble and said Felicien P. Landier, a co-partnership doing business as Kemble & Landier, subject to the following conditions:-

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

2. Applicants shall commence the service herein authorized within a period of not to exceed thirty(30) days from the 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 Exhibit A filed in this proceeding or rates and rules satisfactory to the Railroad Commission.

3. Applicants shall file in duplicate and make effective within a period of not to exceed thirty(30) days from the date hereof, on not less than five (5) days notice to the Railroad Commission and the public, a time schedule 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 secured.

5. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 29th day of November, 1937.

Walter H. Hays
John A. Hays

Ray L. Hays
Commissioners.