

Decision No. 31712

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the Application of the)
BAY CITIES TRANSIT COMPANY, a corporation,)
for authority to extend service on Route)
No. 3-Lincoln Boulevard Line and for a)
certificate of public convenience and)
necessity for the establishment of a new)
route to be known as Route No. 11-Washing-)
ton Avenue Line, all in the City of Santa)
Monica.)

Application No. 22503

BY THE COMMISSION:

O P I N I O N

By this application Bay Cities Transit Company, a corporation, seeks authority to enlarge and extend its existing automotive service as a common carrier of passengers between Santa Monica, Venice, Ocean Park, Sawtelle and West Los Angeles (including the University of California at Los Angeles) as heretofore specifically defined, described and granted by Decision No. 27934, dated May 6, 1935, in Application No. 19833.

Applicant proposes to effect this extension and enlargement by,

- (a) Extending its Route No. 3 known as Lincoln Boulevard Line from 26th St. and Montana Avenue to Stanford Street and Montana Avenue a distance of four short blocks;
- (b) Establishing a new service numbered Route 11 and to be known as the Washington Avenue Line, commencing at the intersection of Stanford Street and Washington Avenue; thence via Washington Avenue to Fourth Street; thence via Fourth Street to Broadway, thence via Broadway to Fifth Street; thence via Fifth Street to Colorado; thence via Colorado to Fourth Street; thence via Fourth Street to Washington Avenue; thence along Washington Avenue to Stanford Street.

Applicant alleges that the proposed extension of its Lincoln Boulevard Line will not affect existing fares or schedules.

The fares to be established for the proposed new service will be 5 cents, with half fare for children, all in accordance with existing tariff rules and regulations. A fifteen minute schedule between the hours of 6:30 a.m. and 7:30 p.m., daily except Sundays and Holidays, will be maintained on this line.

Transfer privileges will be afforded, good within the 5-cent limit zone, and transfers will be accepted at the following points and in the following manner:

- "(a) Twentieth Street and Washington Avenue, either in a northerly or southerly direction.
- "(b) Lincoln Boulevard and Washington Avenue in a southerly direction only.
- "(c) Fourth Street and Washington Avenue in a northerly direction only.
- "(d) Santa Monica Boulevard and Fourth Street in an easterly or westerly direction.
- "(e) Broadway and Fourth Street in either a southerly or easterly direction."

Equipment now being operated by this applicant is alleged to be sufficient to carry on the proposed operation and no additional equipment will be required.

As justification for the granting of the authority herein sought, Bay Cities Transit Company states as follows with reference to the Montana Avenue extension:

"The reason for this request is that in the past few years considerable improvements of real property on the southerly side of Montana Avenue east of 26th Street to Stanford Street have taken place and the residents in close proximity to that portion of Montana Avenue have made demand upon applicant for the establishment of such an extension of service; that said extension of service can be established without any additional cost of operation."

Justifying the establishment of the Washington Avenue Line, applicant has this to say:

"That Washington Avenue from Stanford Street to Fourth Street is located in an improved residential district consisting mostly of apartment houses; that service now operated nearest and paralleling Washington Avenue is Route 2-Wilshire Boulevard Line and Route 3-Lincoln Boulevard Line; that each of said routes is in excess of 1300 feet from said Washington Avenue. That the residents of said district now use said routes 2 and 3; that in recent months passenger traffic on said Routes 2 and 3 during the hours between 6:30 a.m. and 7:30 p.m. daily except Sundays and Holidays has increased and at peak hours has required additional service; that the establishment of the proposed service would lessen the peak loads of Routes 2 and 3 as well as serve the convenience of residents of the Washington Avenue District."

There is no other common carrier service, except that now being operated by Bay Cities Transit Company, directly available to the travelling public in the district proposed to be served. The operating experience and ability of this carrier appears unquestioned and it is a reasonable conclusion that a distinct public benefit will accrue to this district of Santa Monica through the establishment of the service as prayed for.

Therefore, applicant's request appearing to be a reasonable one, the service proposed one definitely in the public interest, and it further appearing that this is a matter in which a public hearing is not necessary, the application will be granted ex parte.

Bay Cities 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 Bay Cities Transit Company of an automotive service for the transportation of passengers as a passenger stage corporation, as such is defined in section 24 of the Public Utilities Act, between the intersection of 26th Street and Montana Avenue and the intersection of Montana Avenue and Stanford Street via Montana Avenue as an extension and enlargement of its existing route No. 3 known as the Lincoln Boulevard Line heretofore authorized by Decision No. 27934 and between the intersection of Stanford Street and Washington Avenue and the intersection of Colorado Avenue and Fifth Street, designated as Route 11-Washington Avenue Line, over and along the following route:

Commencing at the intersection of Stanford Street and Washington Avenue, thence via Washington Avenue to Fourth Street; thence via Fourth Street to Broadway; thence via Broadway to Fifth Street; thence via Fifth Street to Colorado; thence via Colorado to Fourth Street; thence via Fourth Street to Washington Avenue; thence along Washington Avenue to Stanford Street,

also as an extension and enlargement of applicant's existing rights as heretofore authorized by Decision No. 27934.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to Bay Cities Transit Company, a corporation, 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 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, a time schedule or 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 Los Angeles, California, this 16th day of February, 1939.

Raymond J. ...

Ray J. ...

Justin J. ...
COMMISSIONERS