

Decision No. _____

32824

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC ELECTRIC RAILWAY COMPANY, a
corporation, for an in lieu certifi-
cate of public convenience and necessity.
(To establish Pomona-Los Angeles County
Fair Grounds Motor Coach Line).

}
38th Supplemental
Application No. 17984

BY THE COMMISSION:

O P I N I O N

In this thirty-eighth supplemental application, as amended, Pacific Electric Railway Company requests a certificate of public convenience and necessity authorizing it to establish and operate a periodical passenger stage service, as a common carrier, for the transportation of passengers between Pomona and the Los Angeles County Fair Grounds.

It is proposed to operate between Pomona and the Los Angeles County Fair Grounds on approximately 30-minute headway from 8:00 A.M. to 12:01 P.M. and approximately 20-minute headway from 12:01 P.M. to 11:00 P.M. daily during the period of the Los Angeles County Fair, which is conducted from approximately September 15 to October 1 of each calendar year. Additional service will be operated according to the traffic requirements.

A one-way fare of 10 cents and a round-trip fare of 15 cents will apply on the proposed service.

As justification for the authority sought, applicant alleges as follows:

Each year during the period of the Los Angeles County Fair there are approximately 200 passengers per day handled to Pomona on Motor Transit motor coaches, the final destination of said passengers being the Fair Grounds. There are also an estimated 200 persons per day who desire transportation locally between Pomona and the Fair Grounds. The Fair Grounds are located two and one-half miles distant from Motor Transit depot in Pomona, and no other common carrier of passengers operates a service between Pomona and said Grounds.

This is not a matter requiring a public hearing. We are of the opinion that public convenience and necessity require the establishment of the proposed service and a certificate therefor will be granted.

Pacific Electric Railway 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 Pacific Electric Railway Company of an automotive service for the transportation of passengers, as a passenger stage corporation, as that term is defined in Section 2 $\frac{1}{2}$ of the

Public Utilities Act, between Pomona and the Los Angeles County Fair Grounds and intermediate points, during the period from approximately September 15 to October 1 of each calendar year, as an extension and enlargement of applicant's operative rights acquired by Decision No. 32167, dated July 18, 1939, on Application No. 22582, and

IT IS ORDERED that a certificate therefor is hereby granted to Pacific Electric Railway 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 thirty (30) days from the effective date hereof.
2. Applicant shall commence the service herein authorized on approximately September 15, 1940 and shall file in triplicate, and concurrently make effective on not less than ten (10) 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 rules, which in volume and effect shall be identical with the fares set forth in the application, in so far as they conform to the certificate herein granted.
3. Applicant shall file, in duplicate, and make effective on approximately September 15, 1940, on not less than five (5) 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. Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the street, or by operating around two blocks contiguous to such intersection in either direction, and to carry passengers as traffic regulations of the municipality may require.
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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20th day of February, 1940.

Frank D. Wynn
Ray B. Grayson
H. B. M.
Justin J. Casauer
COMMISSIONERS