

Decision No. 33406

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of P. C. )  
CROSS, doing business as ATLANTIC BOULEVARD )  
BUS LINE, for a certificate of public )  
convenience and necessity to operate bus ) Application No. 23620  
service as a common carrier of passengers )  
between Monterey Park and Huntington Park, )  
California. )

BY THE COMMISSION:

O P I N I O N

In this application P. C. Cross seeks a certificate of public convenience and necessity to establish and operate a passenger stage service for the transportation of passengers between Monterey Park and Huntington Park via Atlantic Boulevard, all in Los Angeles County.

By Decision No. 32599, dated December 5, 1939 the Commission authorized Pacific Electric Railway Company to establish an automotive passenger stage service over the same route as is involved herein, known as the GARVEY AVENUE MOTOR COACH LINE. This service was to be established on a trial basis for a period of ninety (90) days, with a provision that if upon expiration of the trial period it was found that the revenue was insufficient to meet the out-of-pocket cost of providing such service the operation could be discontinued without further order of the Commission, with a further provision that in the event it appeared desirable to continue such service the public and the Commission would be afforded

ten (10) days' notice thereof, together with a statement showing the operating revenues and expenses during the said ninety-day period. Applicant herein alleges that in accordance with the provisions of that decision, Pacific Electric Railway has operated the service continuously since January 15, 1940 and now advises the Commission that revenues are insufficient to meet the out-of-pocket cost of operation and that it proposes to discontinue the operation Sunday, August 18, 1940. Applicant herein further alleges that in view of the fact that the average number of passengers carried by Pacific Electric has been approximately seven per trip, he believes that by using lighter equipment and modifying the schedule slightly as proposed herein, the service can be conducted on at least an out-of-pocket basis.

It appears that there is a need for continuation of service between the points and over the route herein involved and that it is in the public interest that the application should be granted. A portion of the territory involved is now served by Los Angeles Railway and Holbrook Transit Co. An appropriate restriction will be imposed over that portion of applicant's proposed route which is served by such carriers. It does not appear that this is a matter in which a public hearing is necessary.

P. C. Cross 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

Good cause appearing,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require the establishment and operation by P. C. Cross of an automotive service as a passenger stage corporation, as that term is defined in section 2½ of the Public Utilities Act, for the transportation of passengers between Monterey Park and Huntington Park and intermediate points over the following route:

Beginning at the intersection of Garfield Avenue and Garvey Avenue, in Monterey Park, thence west on Garvey Avenue, south on Atlantic Boulevard, west on Gage Avenue, north on Pacific Boulevard to its intersection with Randolph Street in Huntington Park,

provided, however, that no passengers will be transported locally in the territory between the intersection of Atlantic Boulevard and Slauson Avenue in or near the town of Maywood and the intersection of Randolph Street and Pacific Boulevard in Huntington Park.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to P. C. Cross, 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 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 two (2) 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 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.

4. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than two (2) 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.

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 the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day  
of August, 1940.

Ray L. Bailey  
Frank P. Smith  
Robert D. ...  
...  
Justin J. ...  
COMMISSIONERS