

Decision No. 23668

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Guy C. Lyons, doing business under the fictitious firm name and style of the Highland Transportation Company, for certificate of public convenience and necessity to extend and operate automotive passenger stage service from the intersection of Compton Boulevard and Tamarind Street (Compton) to Rosecrans Avenue and Easterly, by intermediate points, to the intersection of Edgebrook and Raybarn Streets.

Application No. 23668.

ORIGINAL

BY THE COMMISSION:

O R D E R

By this application Guy C. Lyons, doing business under the fictitious firm name and style of Highland Transportation Company, seeks a certificate of public convenience and necessity for the automotive transportation of passengers, as a common carrier, from the intersection of Compton Boulevard and Tamarind Street (Compton), to Rosecrans Avenue and easterly, by intermediate points, to the intersection of Edgebrook and Raybarn Streets.

Applicant alleges that no transportation service is now provided in the area and that the proposed new route will serve in excess of five hundred families. Pacific Electric Railway Company has advised the Commission that it will not oppose the granting of the application. It appears that this is not a matter in which a public hearing is necessary and that application should be granted.

Guy C. Lyons 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 as to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Guy C. Lyons of an automotive service for the transportation of passengers, as a common carrier, as an extension and enlargement of his present operating right, over and along the following route:

From the intersection of Compton Boulevard and Tamarind Street, in a Northerly direction to Rosecrans Avenue, East on Rosecrans Avenue to El Segundo Street and North on El Segundo Street to McMillan Street, East on McMillan Street to Edgebrook, North on Edgebrook Street to Raybarn Street. From this point return trip is made from said intersection of Edgebrook and Raybarn Streets, West to Wright Road, South on Wright Road to McMillan Street, West on McMillan Street to Gibson Street, South on Gibson Street to Rosecrans Avenue, West on Rosecrans Avenue to Willowbrook Avenue, West of Pacific Electric Railroad Line, and South on Willowbrook Avenue to Palm Street, East on Palm Street to Tamarind Street, being the terminal.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same is hereby granted to Guy C. Lyons, doing business under the fictitious firm name and style of Highland Transportation Company, 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 the 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 (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 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 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 (5) 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 or 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 1st day
of October, 1940.

Paul Lacey
Frank W. ...
Ralph ...
J. Baker
Justin J. Green
Commissioners.