

Decision No. 33721

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOREN W. SMITH, doing business as)
POMONA, CHINO, ONTARIO BUS LINE, for)
authority to re-route existing serv-)
ices and to use alternate routes)
between Pomona, Chino, Corona and)
Ontario.)

ORIGINAL

Supplemental
Application No. 23526

BY THE COMMISSION:

SUPPLEMENTAL OPINION

In this supplemental application, Loren W. Smith has requested the Commission to make an order authorizing him to establish service over additional routes between Pomona, Chino, and Ontario.

The Commission, by its Decision No. 33402 on the original application herein, granted a certificate to applicant Smith between Pomona, Chino, Ontario, and Corona and intermediate points over the routes therein set forth. In this application, applicant alleges that by the use of additional routes in the vicinity of Chino, he will be able to establish certain economies in his operations as well as providing more expeditious service to his patrons.

After due and careful consideration of applicant's request, we are of the opinion that the authority sought is in the public interest, that a public hearing is not necessary, and that the request should be granted.

Loren W. Smith 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 Loren W. Smith 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, baggage and shipments of express weighing not over 100 pounds on passenger vehicles, over and along the following routes, which are in the vicinity of Chino, as an extension and enlargement of the operative right heretofore created by the Commission's Decision No. 33402, dated August 13, 1940, with authority to pickup and discharge at any and all points thereon:

Along Riverside Drive between Euclid Avenue and Sixth Street; along Fifth Street in Chino between Riverside Drive and "D" Street, thence along "D" Street to Sixth Street; along Robles Road between Central Avenue and Euclid Avenue, and along Euclid Avenue between Robles Road and Merrill Avenue.

IT IS ORDERED that a certificate therefor is hereby granted to Loren W. Smith, 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, within thirty (30) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public, file time schedules, in triplicate, giving effect to the authority herein granted.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10th day of December, 1940.

Ray & Bailey
Frank D. Miller
H. K. [unclear]
James J. Cooney
COMMISSIONERS