

Decision No. 33116

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PETE DRAKE, conducting as sole owner certain automobile passenger stage lines under the name of TERMINAL ISLAND TRANSIT CO. for certificate of public convenience and necessity to extend the operation of passenger service as a common carrier between 22nd Street along Seaside Avenue to the eastern terminus of said street, and along Badger Avenue between Seaside Avenue and its intersection with Dock Street in Long Beach, California, and between the East San Pedro Ferry Terminal along Terminal Way to Ferry Street, thence north on Ferry Street to Seaside Avenue, Terminal Island, California.

ORIGINAL

Application No. 23978

BY THE COMMISSION:

O P I N I O N

Pete Drake, an individual, is now operating under the fictitious name and style of Terminal Island Transit Company as an automotive common carrier of passengers between Ferry Landing, East San Pedro, the intersection of Anaheim and Avalon Streets, Wilmington, and 22nd Place in the city of Long Beach, over and along a specifically designated route subject to the jurisdiction of this Commission.

By the instant application Pete Drake seeks authority to establish and operate a common carrier automotive passenger

(1) Originally acquired by Harry Drake from Motor Coach Company by Decision No. 25991, dated May 29, 1933, on Application No. 18883 and subsequently transferred from Harry Drake to Pete Drake by Decision No. 33116, dated May 21, 1940, on Application No. 23458.

service between 22nd Place (Street) via Seaside Avenue, east to the eastern terminus of said avenue and between Seaside Avenue and the intersection of Badger Avenue and Dock Street, via Badger Avenue, and between Ferry Landing and the intersection of Ferry Street and Seaside Avenue via Terminal Avenue and Ferry Street, as an extension and enlargement of applicant's existing right and consolidated therewith.

Applicant proposes to assess a five cent fare within zones as set forth in Exhibit "A," attached to his application, and will operate a schedule consisting of two round trips in the morning and two round trips in the afternoon.

As justification for the granting of the authority herein sought, applicant alleges substantially that due to the national defense program many men who live in the city of Long Beach are now being employed on Terminal Island at airports, docks, a naval base and shipbuilding plants, either constructed or under construction. There is no transportation service available for these men other than their own automobiles except along Anaheim Street connecting with service at Badger Avenue and requiring the crossing of the Bascule Bridge which is congested a great part of the time by reason of its having to be raised for boats passing under it. The extension of applicant's line to the eastern terminus of Seaside Avenue will provide more direct transportation and quicker service can be rendered to those employees and others coming from and going to Long Beach. In addition to the workmen now employed on Terminal Island in said government projects, the airport, known as Reeves Field, has a considerable number of navy personnel who have been requesting and demanding more direct and faster transportation to Long Beach.

Pacific Electric Railway Company, the only other common carrier in the general territory here involved, operates southerly on the west side of the harbor but does not operate to the south or east sides of the harbor herein proposed to be served under the extended operative authority sought by applicant. Pacific Electric Railway Company, under date of February 3, 1941, advised the Commission by letter that applicant's proposal offered no conflict or competition with its rail line between Long Beach and San Pedro and hence the company offered no protest to the granting of the application.

Applicant, an experienced operator, here proposes a service extension, the establishment of which appears to be in the public interest and whereby such public interest will be subserved by its establishment and operation as a component part or unit of his existing common carrier facilities. Furthermore, a public hearing in this matter does not appear necessary. The application will be granted.

Pete Drake, doing business as Terminal Island 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 above-entitled application having been duly considered, the Commission being fully apprised therein, and it having been found as a fact that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Pete Drake, operating under the name and style of Terminal Island Transit Company, for the establishment and operation of an automotive service for the transportation of passengers, as a passenger stage corporation as such is defined in section 2 $\frac{1}{2}$ of the Public Utilities Act, between 22nd Place (Street), Long Beach and the eastern terminus of Seaside Avenue, Terminal Island; between Seaside Avenue and the intersection of Badger Avenue and Dock Street, Terminal Island; between Ferry Landing, East San Pedro, and the intersection of Ferry Street and Seaside Avenue, Terminal Island, as an extension and enlargement of applicant's existing right and consolidated therewith.

IT IS FURTHER ORDERED that in the operation of said passenger stage corporation service pursuant to the foregoing certificate, Pete Drake shall comply with and observe the following service regulations:

1. 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. Subject to the authority of this Commission to change or modify such at any time by further order, Pete Drake shall conduct said passenger stage corporation service over and along the following routes:

Leaving the eastern terminus of Seaside Avenue on Terminal Island thence southwesterly to the intersection of Seaside

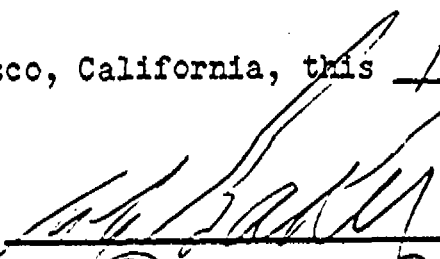
Avenue and Badger Avenue, thence north on Badger Avenue to its intersection with Dock Street.

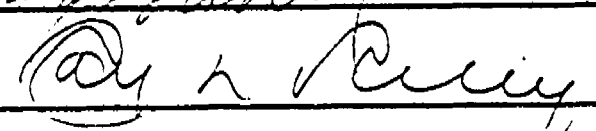
Also, leaving Ferry Landing, East San Pedro, thence northeasterly along Terminal Way to Ferry Street, thence north on Ferry Street to its intersection with Seaside Avenue.

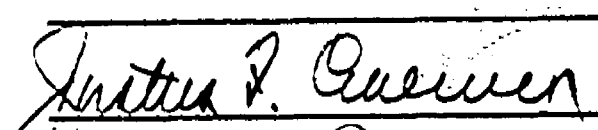
3. File, in triplicate, and concurrently make effective within a period of not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates, rules, and regulations which in volume and effect shall be identical with the proposed rates, rules and regulations shown in the exhibit attached to Application No. 23978 in so far as they conform to the certificate herein granted, or rates, rules, and regulations satisfactory to the Railroad Commission.
4. File, in triplicate, and make effective within a period of not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this Commission.


The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 19th day of March, 1941.









COMMISSIONERS