

Decision No. 36514

**ORIGINAL**

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 oper- )  
 ation of passenger service as common carrier )  
 between the United States Naval Receiving Ship )  
 on Terminal Island (formerly the Federal )  
 Penitentiary), thence northerly along South )  
 Seaside Avenue to Terminal Way, thence easterly )  
 on Terminal Way to Ferry Street, thence north- )  
 erly on Ferry Street to North Seaside Avenue, )  
 thence easterly on North Seaside Avenue to )  
 Henry Ford Avenue, thence northerly on Henry )  
 Ford Avenue to the emergency cut-off road )  
 paralleling Henry Ford Avenue, thence norther- )  
 ly on said cut-off Road to Anaheim Street, )  
 thence easterly on Anaheim Street to Santa Fe )  
 Avenue, thence south and southeasterly on Santa )  
 Fe Avenue and Ninth Street (Wilmington )  
 Boulevard) in Long Beach to Pico Avenue, thence )  
 south on Pico Avenue to West Broadway, thence )  
 easterly on West Broadway to Pacific Avenue, )  
 thence south on Pacific Avenue to Ocean )  
 Boulevard, being the eastern terminus. Return- )  
 ing over the same route except going west on )  
 Ocean Boulevard to Chestnut Avenue, thence )  
 north on West Broadway, thence turning north- )  
 west on Siggsbee Avenue at Anaheim Street and )  
 following the emergency cut-off road northwest )  
 and southwest to Henry Ford Avenue on Terminal )  
 Island. Also when requested by the United States )  
 Navy or Navy personnel to continue south on Pico )  
 Avenue to Leigh Navy Landing in Long Beach, re- )  
 turning over the same route to West Broadway. )

Application  
 No. 25239  
 1st Supplemental

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

In this proceeding, Pete Drake, doing business as Terminal Island Transit Company, was granted authority by Decision No. 35845, rendered October 8, 1942, to establish and operate a service as a passenger stage corporation, as defined by Section 24 of the Public Utilities Act, for the transportation of passengers and their baggage between various points on Terminal Island, and between Terminal

Island and Long Beach, over certain routes therein described.

In support of his proposal, applicant alleged in the application originally filed that the United States Navy had agreed to lease to him ten 44-passenger diesel-powered buses to provide the service, which subsequently was authorized by the decision mentioned. From the supplemental application filed May 12, 1943, it appears that the Naval Commandant at Terminal Island has been unable to supply these buses, thus disabling applicant from conducting the service over the extended route to Long Beach, as originally proposed, applicant himself not having sufficient equipment to engage in this operation. Assertedly, this action was taken because the Navy could not spare the equipment, the demands for its use elsewhere having increased, and because the Office of Defense Transportation would not approve the lease.

The service which applicant was authorized to establish between Terminal Island and Long Beach, it is stated, would parallel the electric railway service inaugurated during March, 1943, by Pacific Electric Railway Company under an arrangement with the United States Maritime Commission. The Office of Defense Transportation having requested, when that service was instituted, that no parallel bus operation be established, applicant now finds himself unable to conduct in its entirety the service authorized by Decision No. 35845. Accordingly, he has requested a modification of this decision eliminating the route between Terminal Island and Long Beach, but permitting him to continue the operation of the extension therein authorized between the United States Naval Receiving Ship, on Terminal Island, and Terminal Way, via South Seaside Avenue. Under the circumstances, this request will be granted. This does not appear to be a matter in which a public hearing is necessary.

FIRST SUPPLEMENTAL ORDER

Supplemental application having been filed as above entitled; and it appearing that public convenience and necessity so require,

IT IS ORDERED as follows:

That the order contained in Decision No. 35845, rendered herein on October 8, 1942, be and it hereby is modified and amended to read as follows:

"(1) That a certificate of public convenience and necessity be and it hereby is granted to said Pete Drake, doing business as Terminal Island Transit Company authorizing the establishment and operation of a service as a passenger stage corporation, as defined by Section 2 $\frac{1}{2}$ , Public Utilities Act, for the transportation of passengers and their baggage between the United States Naval Receiving Ship on Terminal Island (formerly the Federal Penitentiary) and the intersection of South Seaside Avenue and Terminal Way, on Terminal Island, via South Seaside Avenue.

"That said certificate is granted subject to the following condition:

The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act, and further to the condition that Pete Drake, his successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such rights.

"(2) That in the operation of said passenger stage service applicant shall comply with and observe the following service regulations:

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 comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify it at any time by further order, said highway common carrier operations shall be conducted over and along the following route:

From United States Naval Receiving Ship to the intersection of South Seaside Avenue and Terminal Way, on Terminal Island, via South Seaside Avenue."

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

Dated at San Francisco, California, this 27<sup>th</sup> day of July, 1943.

Francis D. Hawener  
H. J. Baker  
James L. Lusk  
Frank J. ...  
COMMISSIONERS