

Decision No. 36604

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VICTORY TRANSIT CO. for certificate of public con- venience and necessity to operate motor bus service, as a common carrier, between Pomona and LaVerne.	) ) ) ) )	Application No. 25752
--	-----------------------	--------------------------

BY THE COMMISSION:

OPINION AND ORDER

In this application Mario Pastrone, dba Victory Transit Company, seeks a certificate of public convenience and necessity as a common carrier for the transportation of passengers between Pomona and La Verne and intermediate points in order that personnel in defense plants and factories and Pomona Ordnance Base may have adequate transportation.

It appears that there is now no adequate transportation to these plants and Ordnance Base and that this application should be granted without first holding a public hearing.

Applicant is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the granting of such rights. 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.

IT IS HEREBY ORDERED that:

- I. A certificate of public convenience and necessity be and it is hereby granted to Mario Pastrone, dba Victory Transit Company, as a passenger stage corporation, as defined in Section 27 of the Public

Utilities Act, for the transportation of passengers between Pomona and LaVerne and intermediate points, subject to the following conditions:

- (1) The service herein authorized shall commence within a period of not to exceed sixty (60) days from the effective date hereof.
- (2) The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that applicant, 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.
- (3)
  - a. No passengers shall be carried from points between 4th and D Streets, LaVerne, and Walnut and E Streets, both points inclusive, to points south of the Pomona Ordnance Base main entrance.
  - b. No passengers shall be carried from points between Franklin Avenue and Garey Avenue, Pomona, and Walnut Street and Huntington Boulevard, both points inclusive, to points north of the Army Hospital main entrance on E Street, just north of Walnut Street.
  - c. No passengers shall be carried locally between points bounded by 7th and Garey Avenue on the south and Walnut Street and Huntington Boulevard on the north, all within the City of Pomona.

II. In the operation of said passenger stage service pursuant to the foregoing certificate, Mario Pastrone, dba Victory Transit Company, shall comply with and observe the following service regulations:

- (1) Applicant shall file a written acceptance of the certificate herein granted within 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, applicant shall conduct such passenger stage operations over and along the following described route:

Commencing at the intersection of Franklin Street and Garey Avenue in the City of Pomona, thence northerly along Garey Avenue to Walnut Street, along Walnut Street to "E" Street, passing U. S. Army Motor Base and the new Army Hospital, to 4th Street, in LaVerne, returning via the same route.

- (3) 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 of this order and on not less than one (1) day's notice to the Commission and the public.
- (4) Applicant is authorized to turn its motor vehicles at termini and intermediate points, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction, and to carry passengers as traffic regulations of the municipalities may require.

The Commission reserves the right to make such further orders in this proceeding as to it may seem just and proper, and to revoke this authority in whole or in part if in its opinion public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of September, 1943.

Francis D. Havenue

J. P. Baker

Richard Kachse

Wm. W. Conroy

Commissioners