

ORIGINAL

Decision No. 36861

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	51st Supplemental
the LOS ANGELES RAILWAY CORPORATION )	Application No. 19179
for an in lieu certificate for its )	(Alternate routing of East 9th
motor coach lines. )	St. - Whittier Boulevard Motor
	Coach Line No. 47 to B. F.
	Goodrich Plant, Los Angeles
	County).

BY THE COMMISSION:

OPINION AND ORDER

In its Fifty-first Supplemental Application No. 19179 Los Angeles Railway Corporation requests permission to establish and operate an additional temporary alternate route on its East 9th Street-Whittier Boulevard Motor Coach Line No. 47 to serve the B. F. Goodrich plant.

By Decision No. 27052, dated May 14, 1934, applicant was granted authority to operate its No. 47 East Ninth Street-Whittier Boulevard Motor Coach Line over and along the following route:

Commencing at the intersection of Whittier Boulevard and Simmons Avenue, thence via Whittier Boulevard, Ford Boulevard, East 9th Street, Mines Avenue, East 8th Street, Soto Street, East 9th Street, Central Avenue, East 8th Street, Los Angeles Street, East 7th Street, San Julian Street to East 8th Street, Central Avenue, East 9th Street, Soto Street, East 8th Street, Mines Avenue, East 9th Street, Ford Boulevard, and Whittier Boulevard to the point of commencement.

On December 1, 1942, by Decision No. 35996, authority was granted to establish an alternate route to said No. 47 line, as follows:

Commencing at the intersection of Soto Street, thence via East 9th Street to the intersection of East 8th Street and Olympic Boulevard.

In support of the present request applicant alleges that the B. F. Goodrich plant, located on East Olympic Boulevard, needs such service in order to properly serve the employees of that plant, which plant is now without public transportation service.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted.

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 Los Angeles Railway Corporation as a passenger stage corporation as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act for the transportation of passengers in Los Angeles County, to be consolidated with the remainder of its operative rights subject to the following conditions:

- (1) The service herein authorized shall be commenced within a period of not to exceed thirty (30) days from the 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 Los Angeles Railway Corporation, its 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.

II. In the operation of said passenger stage service pursuant to the foregoing certificate, Los Angeles Railway Corporation 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, Los Angeles Railway Corporation shall conduct such passenger stage operation over and along the following described route:

Leaving the regular certificated route at the intersection of Whittier Boulevard and Gerhart Avenue, thence via Gerhart Avenue, Union Pacific Avenue and Goodrich Boulevard to the intersection of Whittier Boulevard and Goodrich Boulevard, where said alternate route will join the regular certificated route; operation on return to be reverse of above.




- (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 tables satisfactory to the Commission within thirty (30) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.

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 8th day of February, 1944.



Commissioners