

Decision No. 35878

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
LANDIER TRANSIT COMPANY, INC., a)
corporation, for a certificate of)
public convenience and necessity to)
operate between First Terminal, Camp)
Joseph Pendleton, Marine Base, Ocean-)
side, California, and Second Terminal,)
12th Street and Broadway, Los Angeles,)
California.)

Application No. 25923

SPRAY, DAVIS & GOULD, by C. W. Bowers, for
Applicant

DOUGLAS BROOKMAN, for Pacific Greyhound Lines,
Interested Party

JONATHAN C. GIBSON & WM. F. BROOKS, by Wm. F.
Brooks, for Santa Fe and Santa Fe Trans-
portation Co., Interested Party

BY THE COMMISSION:

O P I N I O N

In this application authority is sought to conduct a limited passenger stage service between a terminal in Los Angeles and Camp Joseph Pendleton Marine Base in the vicinity of Oceanside.

A public hearing was conducted by Examiner Hunter, at Oceanside, January 17, 1944, at which time the matter was taken under submission and it is now ready for decision.

The purpose of the service is to provide round-trip transportation for military personnel stationed at Camp Joseph Pendleton in traveling between the Camp and Los Angeles, and primarily those on military leave over the weekend. The plan of operation provides that applicant will be advised by an officer

of the Post Exchange at the Camp as to the number of passengers desiring transportation. Thereupon the required number of buses, within the limits of applicant's ability to perform, will deadhead from Los Angeles to the Camp where the passengers will be picked up for a round trip between the Camp and Los Angeles, with a layover at Los Angeles. Upon delivering these passengers to the Camp, after the completion of the round trip for the passengers, the buses deadhead to Los Angeles. Thus the equipment is required to travel four times between Los Angeles and the Camp in completing the round trip for passengers. The distance between terminals is approximately one hundred miles and the round-trip fare is \$3.00 which is based on a rate of $1\frac{1}{2}$ cents per passenger mile. Service will be limited to terminal-to-terminal operation with no "on or off" intermediate business. At Los Angeles the terminal is to be located at 12th and Broadway Streets. The proposed routing is via U. S. Highway No. 101. Applicant requests a limited certificate with respect to time which is to apply for the duration of the war and six months thereafter.

Major Earl T. Crawford, U. S. M. C. R., Post Exchange Officer, testified that this was the primary embarkation camp for the Marine Corps and it was the desire of the officers to afford the personnel special service to Los Angeles, particularly those with limited time before leaving for foreign service. The normal weekend leave for the marines stationed at this camp begins Saturday at noon and terminates at 10:00 p.m. Sunday. He

(1) Proposed Normal Schedule:

Leave Camp Pendleton Saturdays at noon.

Leave Los Angeles Terminal Sundays between 7:00 p.m.
and 10:00 p.m.

Such other "on-call" Charter Service as may be required.

estimated that as many as 2,000 men will avail themselves of this weekend service. Also, that there may be calls for special transportation service other than weekend. In view of their interest in this matter, the officers of the camp have made arrangements to sell the tickets at the Camp's Post Exchange which will be the only location where tickets can be purchased and, in turn, applicant will be advised by this Exchange as to the volume of the sales for each movement. A small commission is retained by the Exchange for its services, the receipts of which go into a Marine Corps Amusement Fund.

Lieutenant J. C. Maupin testified he had made an investigation of the transportation situation under consideration between the Camp and Los Angeles and recommended the plan proposed herein after discussing the matter with representatives of both the Pacific Greyhound and Santa Fe rail and bus lines, which are the only passenger intrastate operators between Los Angeles and San Diego via Oceanside. He stated that none of these carriers were in a position to give the desired special service due primarily to lack of equipment.

Mr. W. J. Ward, manager of applicant's operations, testified that, in addition to the company's buses, arrangements have been made to secure the services of a large number of school buses not otherwise engaged over the weekend. He stated that to make the operation remunerative it would require a minimum of thirty-five passengers to be carried on the average in each bus. He also testified that the matter had been taken up with the Office of Defense Transportation and was assured that if applicant complies with the Department's operating requirements the plan would meet with the approval of that Federal Agency. This Commission has also been so advised by the Office of Defense Transportation.

The Board of Public Utilities and Transportation of the City of Los Angeles filed with the Commission a statement of its position relative to the proposed operation involved herein in so far as the city of Los Angeles is directly affected. This report, dated January 13, 1944, provides that the city is agree-
(2)
able to the proposed operation in the city provided all passengers are picked up or discharged at the terminal located at 12th and Broadway Streets. By stipulation of the parties, this report was made a part of the record in this proceeding.

Counsel for Pacific Greyhound Lines, Santa Fe Transportation Company and Santa Fe stated their respective organizations would not oppose the granting of this application, provided the certificate was issued as prayed for, to be effective only for the duration and six months thereafter.

A review of this record supports the conclusion that the granting of the application is in the public interest. With

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- (2) The following is quoted from a report by Jas. Gunn, Chief Motor Vehicle Inspector, Board of Public Utilities and Transportation of the City of Los Angeles:

"Therefore, in view of the fact that the applicant proposes to engage in the transportation of military personnel only, with no pick-up within the City of Los Angeles for discharge within the City of Los Angeles, and over a routing which will not seriously interfere with other vehicular traffic within the City of Los Angeles, and further, that he has agreed that all loading and unloading of passengers will be upon that parking lot located on the northeast corner of 12th and Broadway, Los Angeles, and because of the fact that the staff of this office will be unable to attend the hearing in Oceanside, it is recommended that a communication be addressed to the California Railroad Commission, advising them that this office has no objection to the application as presented, if the routing as set forth in the application is followed out, and if all loading and unloading of passengers will take place, not upon the streets of the City of Los Angeles, but within that parking lot located on the north-east corner of 12th St. and Broadway."

respect to the fixation of a time limit for the certificate as applied for herein for the duration and six months thereafter, it is recognized that such a term has certain objectionable features and should be used only in cases where it appears to be justified. This appears to be such a case and the following order will so provide.

Landier Transit Company, Inc., a corporation, 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 grant 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.

O R D E R

Application having been made as above entitled, a public hearing having been held, and the Commission now being of the opinion, and hereby finding, that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Landier Transit Company, Inc., a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{4}$ of the Public Utilities Act, for the round-trip transportation of members of the armed forces of the United States Government stationed at Camp Joseph Pendleton, between Camp Joseph Pendleton

and the intersection of 12th Street and Broadway, Los Angeles, subject to the following conditions:

- (a) This certificate shall endure for the duration of present hostilities and six months thereafter, unless extended by further order of the Commission.
- (b) The authority herein granted is subject to the provisions of Section 52(b), Public Utilities Act, and further to the condition that Landier Transit Company, Inc., its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative right or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such right.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate Landier Transit Company, Inc., 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 tables 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, operation pursuant to the foregoing certificate shall be along and over the following route:

NORTHBOUND

Beginning at Camp Joseph Pendleton, thence over U. S. Highway No. 101, Firestone Boulevard, Alameda Street, Washington Street, Broadway to its intersection with 12th Street in Los Angeles.

SOUTHBOUND

Via the same route.

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

Dated at Los Angeles, California, this 15th day of February, 1944.

Richard R. Ketchum
Justin F. Galloway
Francis L. Havens

Samuel C. Cowley
COMMISSIONERS