

36967

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)  
LOS ANGELES RAILWAY CORPORATION )  
for an in lieu certificate for its )  
motor coach lines. )

FIFTY-THIRD  
SUPPLEMENTAL  
APPLICATION NO. 19179  
(Extension of "Lockheed Motor  
Coach Line No. 67" to serve  
U.S. Army Air Corps Ordnance  
Depot at Atlantic & Bandini  
Boulevards, Los Angeles Co.)

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

**ORIGINAL**

In its Fifty-third Supplemental Application 19179 Los Angeles Railway Corporation requests permission to establish and operate a temporary alternate route of its Lockheed Motor Coach Line No. 67 in order to provide service to the United States Army Air Corps Ordnance Depot at Atlantic and Bandini Boulevards, Los Angeles County. By Decision 34930, dated January 12, 1942, on the Forty-second Supplemental Application in this proceeding, the Commission authorized operation of applicant's Lockheed Motor Coach Line No. 67 to serve a number of industrial plants located east of the Los Angeles River in the vicinity of Maywood. This certificate was granted for a limited time to continue for the duration of the present national emergency and was subject to restriction against carrying local passengers on Slauson Avenue between Pacific Boulevard and Heliotrope Circle.

The route so authorized was as follows:

"Commencing at the intersection of Slauson Avenue and Pacific Boulevard (Huntington Park), thence via Slauson Avenue, Eastern Avenue and Randolph Street to the Lockheed Aircraft Corporation Plant No. 4, located approximately 0.6 miles easterly from Eastern Avenue; return via Randolph Street, Eastern Avenue, Slauson Avenue, thence Rita Avenue, Belgrave Avenue and Pacific Boulevard to Slauson Avenue."

Applicant now proposes to extend this motor coach line by adding an alternate routing in addition to the routing set forth above to be known as Route B and operating over Atlantic Boulevard, Anaheim-Telegraph Road, and other streets forming a loop in the vicinity of Whittier Boulevard and Downey Road. In support of this request, applicant alleges that the United States Army Air Corps Ordnance Depot has

just recently been completed on a site located along the proposed alternate route and the Army has requested that applicant provide transportation service. Applicant requests that any authority granted for this operation be subject to the same restrictions as to time and limitations as to local passengers as were contained in the original authority granted in Decision 34930.

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 state corporation as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act for the transportation of passengers in Los Angeles County, between a terminus in the vicinity of Slauson Avenue and Santa Fe Avenue and a terminus in the vicinity of Whittier Boulevard and Eastern Avenue, to be consolidated with the remainder of its operative rights subject to the restriction that:

Applicant shall not transport any passenger having both origin and destination along the route on Slauson Avenue between the intersection of Pacific Boulevard and the intersection of Heliotrope Circle, both points inclusive.

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) The service herein authorized shall be commenced within a period of not to exceed thirty (30) days from the date hereof.
- (3) 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:

Commencing at 57th Street and Santa Fe Avenue, thence via 57th Street, Malabar Street, Slauson Avenue, Atlantic Boulevard to Bandini Boulevard (Air Corps Ordnance Depot); thence via Atlantic Boulevard, Anaheim-Telegraph Road, Olympic Boulevard, Downey Road, Whittier Boulevard to Brannick Avenue (Line "R" terminus). Return via Whittier Boulevard, Eastern Avenue, Anaheim-Telegraph Road and reverse of going route.

- (4) 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 24<sup>th</sup> day of

March, 1944.

Richard Lachse

Francis R. Howen

James C. ...

James D. ...  
Commissioners