

ORIGINAL

Decision No. 37034

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TANNER MOTOR TOURS, LTD., a corporation,)
 for a certificate of public convenience)
 and necessity to operate, as a common)
 carrier for hire, certain transportation) Application No. 25984
 services to and from Los Angeles, and/or)
 Santa Monica, California, and various)
 military camps, posts, training centers)
 and government hospitals in Southern)
 California.)

TUDOR GAIRDNER, for applicant.

WM. A. SHERWIN, for M. C. Yahne, Inc. doing business as Inland Stages, protestant.

C. W. BOWERS, for Landier Transit Co., Inc., protestant.

HERBERT CAMERON, for Adelanto-Victorville Bus Line; Riverside Transit Company; M. & W. Bus Line; and Mission Limousine Service, interested parties.

WALLACE P. ROUSE, for Jenkins Motor Company, interested party.

DOUGLAS BROOKMAN, for Pacific Greyhound Lines, interested party.

E. L. H. BISSINGER, for Pacific Electric Railway Company, interested party.

JONATHAN C. GIBSON and WM. F. BROOKS, by Wm. F. Brooks, for Santa Fe Transportation Company, interested party.

CAPT. O. A. SANDQUIST and LT. COMMANDER DAVID G. SAUNDERS, Naval Ordnance Testing Station, interested parties.

CAPT. GEORGE H. WILSON, Marine Corps, Camp Pendleton, interested party.

P. G. ASHTON, for Antelope Valley Transit Co., interested party.

LT. FRANK J. MITCHELL, for Marine Corps, Mojave, interested party.

CLARK, Commissioner:

O P I N I O N

An application was filed by Tanner Motor Tours, Ltd. requesting a certificate of public convenience and necessity to operate an "on-call" service for the transportation of military personnel between Los Angeles and Santa Monica, on the one hand, and various military camps and training centers, on the other hand. In all some thirty-five camps were included, for the most part lying south and east of Los Angeles, but extending also northerly along the coast as far as Camp Roberts. By supplemental application, two additional camps, to-wit: the United States Naval Ordnance Testing Station at Inyo-Kern, and the Marine Base at Mojave were added.

At the hearing held in Los Angeles on April 14, 1944, applicant further amended its application by eliminating all the desert camps. Also, that part of the application requesting service to and from the Army Recreation Camp at Santa Monica was withdrawn.

As the application now stands, applicant's request is for a certificate to operate only between Los Angeles and Camp Pendleton, and between Los Angeles and the United States Naval Ordnance Testing Station at Inyo-Kern.

This resulted in the withdrawal of all protestants save and except Inland Stages and Landier Transit Co., Inc.

For more than a year applicant has regularly operated "on-call" week-end service between Los Angeles and Camp Pendleton for the transportation of military personnel, serving no intermediate points. It owns a number of passenger buses with seating

capacities of from 30 to 40 each. The number of passengers transported on the Pendleton-Los Angeles route runs from 60 to 500 per week. During the year 1943 it transported 14,431 passengers in that service. Camp Pendleton is located approximately 100 miles southerly of Los Angeles, on United States Highway No. 101. In addition to the camp proper, there is an area known as Tent Camp which is used for training quarters.

The record herein contains the testimony of several army and navy officers to the effect that the Camp is in need of additional public transportation to and from Los Angeles. On or about June 30 Camp Elliott, located south of Pendleton, will be closed and its personnel moved into Camp Pendleton, which would mean an increase of approximately 40 per cent in the population of Camp Pendleton which is designed to be a permanent camp. Camp Pendleton is a camp of primary embarkation for overseas duty, from which the personnel is afforded a final opportunity to visit with relatives and friends.

The testimony shows that the railroad trains and passenger stages are usually fully occupied when they reach Camp Pendleton, especially during week-ends. Two thirds of the personnel are given liberty each week.

Landier Transit Co., Inc. operates a passenger service between Camp Pendleton and Los Angeles. The record contains no evidence of criticism or failure of this service. The testimony of military officers of the camp is directed against the lack of sufficient service due to the growing needs of the camp.

Applicant proposes to charge a fare of \$3 for the round-trip for "on-call" service between Camp Pendleton and Los Angeles, with all buses filled to capacity.

The record in this proceeding is clear that the proposed service as outlined hereabove is a necessary one, and that the application should be granted.

The United States Naval Ordnance Testing Station is located at Inyo-Kern, approximately 160 miles from Los Angeles and about fifty miles northerly of Mojave. This unit is in the construction stage and presently employs some 1200 civilian workers, which will be increased to 2500 by June 1. Inland Stages operates a stage service which approaches a point some four or five miles from the western border of the camp, but the testimony is that the buses are usually filled to capacity.

Officers and construction engineers from the station testified that there was urgent need for transportation to and from Los Angeles. The proposed round-trip fare is fixed at \$6.40 per person for "on-call" service, with an assured bus capacity of 100 per cent. Inland Stages has advised the Commission that it has no objection to such service by the applicant.

It appears from this record that the service herein proposed between Los Angeles and the United States Naval Ordnance Testing Station, at Inyo-Kern, is necessary and such service will be authorized in the order following.

Tanner Motor Tours, Inc. 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 filed in the above entitled matter, public hearing having been held, and the Commission being duly advised,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Tanner Motor Tours, Ltd. authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers and their baggage between Los Angeles and Camp Pendleton; and between Los Angeles and the United States Naval Ordnance Station near Inyo-Kern, California, 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 Tanner Motor Tours, Ltd. 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.

(2) That in providing service pursuant to the certificate herein granted, 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 appropriate tariffs and time schedules 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 them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Camp Pendleton

Commencing at the parking lot at the northwest corner of Wilshire Boulevard and Figueroa Street in Los Angeles, thence south on Figueroa Street to 9th Street, thence east on 9th Street and Olympic to Telegraph Road, thence east on Telegraph Road to State Highway 35, thence south on State Highway 35 to By Pass 101, thence By Pass 101 to U. S. Highway 101, thence U. S. Highway 101 to Camp Pendleton.

United States Naval Ordnance Testing Station Inyo-Kern

Commencing at the parking lot at the northwest corner of Wilshire Boulevard and Figueroa Street in Los Angeles, thence north on Figueroa Street to 2nd Street, thence west on 2nd Street to Glendale Boulevard, thence north on Glendale Boulevard to San Fernando Road, thence San Fernando Road to U.S. Highway 99, thence U.S. Highway 99 to U.S. Highway 6, thence on U.S. Highway 6 to a point 4 miles west of Inyo-Kern, thence on undesignated Highway from said point on U.S. Highway 6 to Inyo-Kern.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, May 2, 1944.

Richard Kachis
Justus J. Coarney
Francis K. Havens
James W. Dean
Irving S. Dames
 COMMISSIONERS