

ORIGINAL

Decision No. 37049

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PETE )  
DRAKE, conducting as sole owner certain )  
automobile passenger stage lines under the )  
name of TERMINAL ISLAND TRANSIT CO., for )  
certificate of public convenience and )  
necessity to extend the operation of )  
passenger service as common carrier from )  
the intersection of Avalon Boulevard and )  
Anaheim Streets to the intersection of )  
Neptune Avenue and C Streets in the )  
Wilmington District of the city of Los )  
Angeles. )

Application  
No. 26034

BY THE COMMISSION:

O P I N I O N

In this proceeding Pete Drake, doing business as Terminal Island Transit Co., seeks a certificate of public convenience and necessity, under Section 504, Public Utilities Act, authorizing the establishment of a passenger stage service, as an extension of his present bus operations in San Pedro, Wilmington and Long Beach, between the intersection of Avalon Boulevard and Anaheim Street, and the intersection of Neptune Avenue and C Street, in Wilmington. This would be in the nature of a loop operation traversing Anaheim Street, Neptune Avenue, C Street and Fries Avenue, serving the district known as Wilmington Center.

Within Wilmington Center and the adjacent territory reside Navy personnel and civilian Naval employees who, until recently, were transported by Navy buses between their homes and the Naval Drydocks and other establishments on Terminal Island, where they were stationed, or employed. Because of the greater need for this equipment elsewhere, this service has been discontinued and the Naval authorities have requested applicant to take over the operation.

To provide the service applicant will use his present facilities, and plans to secure an additional 45-passenger bus. Schedules suitable to the requirements of the traffic will be established. Single one-way and round-trip fares of fifteen cents and twenty-five cents, respectively, will be published, and a 30-ride ticket, costing \$3, will be issued.

Under his existing operative rights, applicant may not carry passengers locally between the intersection of Anaheim Street and Avalon Boulevard, his present terminus, and a point approximately 600 feet east of Mahar Avenue, in Wilmington. To meet the objections of Pacific Electric Railway Company, which also serves this territory, applicant has consented to a restriction against the handling of passengers locally within the territory he now serves and which he proposes to serve, extending westerly from a point situated 600 feet east of Mahar Avenue. Other operators within this territory have advised the Commission they had no objection to applicant's proposal. And, the Board of Public Utilities and Transportation of the city of Los Angeles has signified its approval of the route over which the service will be conducted, to the extent that it lies within the city limits.

In our judgment, the service proposed will meet a definite public need, and the application, accordingly, will be granted. This is not a matter requiring a public hearing.

Pete Drake 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; and the Commission now finding that public convenience and necessity so require;

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Pete Drake, an individual doing business as Terminal Island Transit Company, authorizing the establishment and operation of a service as a passenger stage corporation, as defined by Section 24, Public Utilities Act, for the transportation of passengers and baggage between the intersection of Avalon Boulevard and Anaheim Street, and the intersection of Neptune Avenue and C Street, in Wilmington, within the Los Angeles Harbor district, as an extension of and to be consolidated with applicant's present operations, as a passenger stage corporation, in San Pedro, Wilmington and Long Beach. No local passengers, however, may be picked up or discharged between a point situated on Anaheim Street approximately 600 feet east of Mahar Avenue, in Wilmington, and any point westerly thereof along the route presently served, and the route herein authorized to be served, by applicant.

(2) That in the operation of said passenger stage service 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 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, applicant shall conduct said passenger stage operations over and along the following route:

From the intersection of Avalon Boulevard and Anaheim Street, west on Anaheim Street to Neptune Avenue, south on Neptune Avenue to C Street, east on C Street to Fries Avenue, north on Fries Avenue to Anaheim Street, and east on Anaheim Street to Avalon Boulevard, in the Wilmington District of the city of Los Angeles.

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

Dated at San Francisco, California, this 12<sup>th</sup> day of May, 1944.

Richard K. Lachre

Francis R. Havens  
Thomas W. ...

... ..  
COMMISSIONERS