

Decision No. 37119

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FENTON G. WALKER and CLARICE B. WALKER)	
for certificate of public convenience)	
and necessity to operate bus service,)	Application No. 26046
as a common carrier, between San Pedro,)	
California and Douglas Aircraft Company,)	
Long Beach Plant.)	

BY THE COMMISSION:

ORIGINAL

O P I N I O N

This application is filed by Fenton G. Walker and Clarice B. Walker and requests a certificate of public convenience and necessity authorizing operation as a passenger stage corporation, as defined by Section 2½ of the Public Utilities Act, between San Pedro, Wilmington and the Long Beach Plant of the Douglas Aircraft Company located on Lakewood Boulevard, at Carson Street.

It is proposed to transport only employees of Douglas Aircraft between their homes in San Pedro and Wilmington and the plant.

An uncertificated service over the route proposed by applicants has been operated by D. M. Farmer who has sold his equipment, consisting of two buses, to applicants.

Applicants allege that there is now no direct public transportation between the points which they propose to serve and that passengers using existing public transportation are required to make several transfers in going to and from their work. Approximately ninety employees of Douglas Aircraft are now transported daily by such common carriers between their homes and the plant.

Applicants propose to operate three round trip schedules, the first leaving San Pedro at 5:30 A.M. All schedules will serve the Wilmington and San Pedro areas. The service as here outlined is requested by the Employees Transportation Bureau of Douglas Aircraft Company. The proposed fare is \$3 per week for daily round trips between San Pedro and Douglas Aircraft and \$2.40 between Wilmington and Douglas.

The only certificated passenger carrier having an interest in the territory is Pacific Electric Railway Company which has filed notice with the Commission that it will not protest the granting of the application provided the service is restricted to the transportation of passengers originating at, or destined to, the Douglas Long Beach plant.

From the record in this proceeding we are convinced that the proposed operation will provide a needed service for the defense workers employed at the Douglas Aircraft plant at Long Beach, and the application will, therefore, be granted. Public hearing is not necessary.

Fenton G. Walker and Clarice B. Walker are 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 in the above-entitled matter, and the Commission being duly advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to FORTON G. WALKER and CLARICE B. WALKER authorizing operation as a passenger stage corporation, as defined in Section 2 $\frac{1}{4}$ of the Public Utilities Act, for the transportation of passengers between San Pedro, Wilmington and the Long Beach plant of Douglas Aircraft Company.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

1. Applicants 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. Applicants 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 schedules 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 them by further order, applicants shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Route No. 1

From Hamilton Avenue, east to Gaffey Street, north on Gaffey Street to junction with Anaheim Street and Vermont Avenue, north on Vermont Avenue to U.S. Highway No. 101, thence east on U. S. Highway No. 101 to Lakewood Boulevard, north on Lakewood Boulevard to Carson Street, west on Carson Street to Cherry Avenue, south on Cherry Avenue to U. S. Highway No. 101 and return to San Pedro via same route as above.

Route No. 2

From Hamilton Avenue, east to Pacific Avenue, north on Pacific Avenue and San Pedro-Wilmington Road to "B" Street in Wilmington, east on "B" Street to Wilmington Boulevard, north on Wilmington Boulevard to Anaheim Street, east on Anaheim Street to Marine Avenue, north on Marine Avenue to U. S. Highway No. 101, then east on U. S. Highway No. 101 following same route as Route No. 1, and return same route as above.

(3) Applicant may turn its motor vehicles at termini or intermediate points either in the intersection of the street or by operating around a block, contiguous to such intersection, in either direction.

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

Dated at San Francisco, California, this 13th day of June, 1944.

Richard L. ...
Justice F. ...
Francis D. ...
Francis W. ...
... ..
COMMISSIONERS