

Decision No. 37286

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of VICTORY TRANSIT COMPANY for)
certificate of public convenience)
and necessity to operate motor bus)
service as a common carrier, between)
North Pomona and South Pomona, all)
within the City Limits of Pomona, to)
be an extension to, and consolidated)
with, the existing rights under)
Application No. 25752, Decision)
#36604, to be operated as a unified)
operation)

ORIGINAL

Application No. 26187

MARIO PASTRONE in Propria Persona

WALTER GUERIN, City Attorney, for City of Pomona

BY THE COMMISSION:

O P I N I O N

Applicant, Mario Pastrone, doing business as Victory Transit Company, requests authority from this Commission to establish service as a common carrier for the transportation of passengers between North Pomona and South Pomona and intermediate points, subject to certain local restrictions,¹ as an extension and enlargement of, and consolidation with, his present operative right between La Verne and Pomona, created by Decision No. 36604.²

This application was heard before Commissioner Craemer and Examiner Chiesa at Pomona on June 29, 1944. Evidence having

1 Pacific Electric Railway Company, a competitor in the territory involved, suggested that certain local restrictions be imposed upon the proposed operation, which restrictions were accepted by applicant and incorporated in his application.

2 Applicant is also authorized to operate a passenger stage service between Pomona and 13th General Hospital at Spadra under a certificate granted by Decision No. 36516 which would continue to be operated as a separate operation.

been adduced and the matter submitted, it is now ready for decision.

The route of applicant's present operation between La Verne and Pomona begins in South Pomona, runs north along Garey Avenue through Pomona, thence northwesterly to La Verne along Walnut and "E" Streets. This route is subject to certain local restrictions both in La Verne and in Pomona. The proposed route is from North Pomona to South Pomona, generally paralleling the present route about one mile distant on each side, but crossing applicant's present route at several points. The new operation is intended to serve residents living in practically all sections of Pomona which do not now have adequate access to public transportation.

Applicant proposes schedules on a thirty-minute headway between 6:00 A.M. and 11:00 P.M. Transfer privileges would be granted between the present La Verne-Pomona operation and the proposed line at the main stop at Garey and Commercial Streets. The proposed fare is ten cents. Applicant testified that he owns adequate equipment and presently has enough gas and other supplies to maintain the service. It was shown that his present operations are both profitable and satisfactory.

Applicant's proposal has been approved by the City of Pomona. The record shows that there is a public need for the establishment and operation of the service for which authority is requested and that it could be operated at a reasonable profit. Applicant estimates that his monthly net operating income would be increased several hundred dollars by extending his operations as proposed.

The record supports a finding that the proposed service is necessary and will be in the public interest. The application will be granted.

Mario Pastrone is hereby 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

Public hearing having been held in the above-entitled proceeding, the matter having been submitted, and the Commission being fully advised:

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Mario Pastrone authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between North Pomona and South Pomona and intermediate points, as an extension and enlargement of, and consolidation with, the operative right created by Decision No. 36604, subject to the following restrictions:

- (a) No passengers shall be carried locally between the intersection of Park Drive and Huntington Boulevard and the intersection of Cucamonga Avenue and San Antonio Avenue, both points inclusive, including intermediate points, via Huntington Boulevard, Berkeley Avenue, Penfield Street, Garey Avenue and Cucamonga Avenue.

- (b) No passengers shall be carried locally between the intersection of Pasadena Avenue and Towne Avenue and the intersection of Fifth Avenue and Hamilton Avenue, both points inclusive, including intermediate points, via Towne Avenue, Holt Avenue, Garey Avenue and Fifth Avenue.
- (c) No passengers shall be carried locally between any points described above in paragraph (a) and points described above in paragraph (b).

(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 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 within 60 days from the effective date of this order and on not less than (1) day's notice to the Commission and the public.
- 3. Subject to the authority of this Commission to change or modify the route at any time by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following streets, highways or routes, or any combination thereof:

Beginning at the intersection of Railroad Street and Garey Avenue in North Pomona, thence along Garey Avenue, Cucamonga Avenue, Garey Avenue, Penfield Street, Berkeley Avenue, Huntington Boulevard, Orange Grove Avenue, Lewis Street, Holt Avenue, Towne Avenue, San Bernardino Avenue, San Antonio Avenue, Cucamonga Avenue to its intersection with Garey Avenue; also beginning at the intersection of Garey Avenue and Fifth Avenue, in Pomona, thence along Fifth Avenue, Hamilton Boulevard, Phillips Boulevard, Towne Avenue, Fifth Avenue to its intersection with Garey Avenue.

Applicant is authorized to turn its motor vehicles at termini or intermediate points, either in the intersection of the streets or by operating around a block in either direction contiguous to such intersection.

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

Dated at San Francisco, California, this 22nd day of August, 1944.

Richard Lusk
Justice F. Callahan
Thomas W. Quinn
James H. Donnell
COMMISSIONERS