

Decision No. 37287

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN)
DIEGO ELECTRIC RAILWAY COMPANY, a corpor-)
ation, for a temporary certificate of)
convenience and necessity for a period of)
one year to operate an automobile bus line)
between the Los Altos Federal Housing Units)
and 3rd and Broadway; and for permission to)
restore the Pacific Beach bus line to its)
original route on Garnet Street between)
Fanuel Street and Mission Boulevard.)

Application
No. 26307

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

In this application San Diego Electric Railway Company requests authority to make a change in the routing of its Pacific Beach bus line by establishing service on Garnet Street between Fanuel Street and Mission Boulevard, and to establish service along Midway Drive and Ingraham Street between Barnett Avenue and Garnet Street, all within the City of San Diego.

Applicant alleges that said augmented service is necessary to care for a government housing project on Crown Point (in Mission Bay) and to relieve its La Jolla line of further traffic as this latter line is now carrying capacity loads; and that extensions are necessary to properly handle traffic to and from war industries.

Applicant proposes to operate said service under the same rate and fare structure as now exists in the territory presently served, and to establish zone lines so that the fares will be the same in Pacific Beach on both bus lines, and requests that the experimental fares, as authorized by the Commission in No. 63-17963 of May 17, 1944, be applied to the proposed service.

It appears that this is not a matter in which a public hearing is necessary and that said application should be granted.

Applicant 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.

IT IS HEREBY ORDERED that:

I. A certificate of public convenience and necessity be and it is hereby granted to San Diego Electric Railway Company for the operation of an automotive passenger stage service for the transportation of passengers through Crown Point and to Pacific Beach, as an extension and enlargement of its Pacific Beach bus line service, to be consolidated with the remainder of its operating rights, subject to the following conditions.

- (1) Written acceptance by letter of the certificate herein granted shall be filed within a period of not to exceed thirty (30) days from the date hereof.
- (2) Said service shall commence within a period of not to exceed ninety (90) days from the effective date hereof, and upon not less than one (1) day's notice by letter to the Commission and appropriate notice to the public.

II. In the operation of the passenger transportation service authorized above, San Diego Electric Railway Company shall comply with and observe the following service regulations:

- (1) Subject to the authority of this Commission to change or modify such at any time by further order, San Diego Electric Railway Company shall conduct said passenger stage operation along the following described routes:

- (a) Along Garnet Street, between Fanuel Street and Mission Boulevard.
- (b) Along Midway Drive and Ingraham Street, between Barnett Street and Garnet Street;

all within the City of San Diego.

- (2) 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 contiguous to such intersection in any direction.

III. That San Diego Electric Raulway Company is hereby authorized to establish on nor less than one (1) day's notice to the Commission and the public, for the extensions herein authorized, the temporary and permanent fares as set forth in the application.

The authority herein granted shall become effective on the date hereof.

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

Richard K. Ketcher
Justus F. Cullen

Frank C. Lewis

Board of Railways
Commissioners