

Decision No. 37375

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of JOE FERRANT, doing business as AIR- )  
DROME TRANSPORT, for a certificate of )  
public convenience and necessity to )  
operate an automotive passenger stage )  
service for the transportation of )  
passengers and their baggage for com- )  
pensation as a common carrier, de novo )  
and in lieu of all previously granted )  
certificates; and permitting applicant )  
to render consolidated and unified )  
service; and to suspend certain service; )  
and to abandon certain service. )

**ORIGINAL**

Application No. 25280

ARLO D. POE and PARK M. SMITH for applicant.

TUDOR GAIRDNER for Tanner Motor Tours, Ltd.,  
and Tanner Motor Livery, Ltd., protestants.

OSCAR A. TRIPPET for United Air Lines,  
interested party.

JOE GREEN for San Diego Yellow Cabs, Inc.,  
protestant.

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

HERBERT CAMERON for Richard C. Winchell and  
Joseph B. Morallice, co-partners, doing  
business as M. & W. Bus Line; W. M.  
Montgomery, doing business as Victorville-  
Adelanto Bus Line; Clarence and Vernon  
Harlowe, doing business as Mission Limousine  
Service, interested parties.

DOUGLAS BROOKMAN for Pacific Greyhound Lines,  
interested party.

M. C. YAHNE for Inland Stages, interested party.

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

H. O. Christiansen for Yellow Cab Company,  
interested party.

CHARLES M. FOSTER for Foster Transportation  
Company, interested party.

BY THE COMMISSION:

O P I N I O N

Joe Ferrant, doing business as Airdrome Transport, holds several certificates authorizing passenger stage service in general between certain specified hotels and airline ticket offices at Los Angeles, on the one hand, and the Los Angeles Municipal Airport near Inglewood, Grand Central Air Terminal at Glendale, United Airport at Burbank (now known as Lockheed Air Terminal) and The Alhambra Airport, on the other hand. Service is also authorized between the air terminals.

In the original application herein considered, applicant Ferrant requested the Commission to issue to him a new certificate to replace those presently held, including certain minor modifications, and also authorizing him to abandon operation between Los Angeles and the Alhambra Airport. In addition, applicant sought a certificate between the Lockheed Air Terminal at Burbank and all emergency landing fields for airplanes within a radius of 150 miles of said Air Terminal. At the first day's hearing on April 13, 1944, a number of appearances were made in protest to the application. The hearing was adjourned to a later date. During the interim, the application was amended eliminating entirely the request for a certificate to serve the emergency landing fields within a radius of 150 miles of Lockheed Air Terminal. At the adjourned hearing on July 24, 1944, the only appearances were Tanner Motor Tours, Ltd. and Tanner Motor Livery, Ltd. as protestants, and United Airlines as an interested party. A public hearing was had before Examiner Paul at Los Angeles on the dates referred to and the matter was submitted.

As the application now stands, the Commission is requested to issue to applicant a single certificate to replace the certificates now held by him, including authority to abandon operations between Los Angeles and the Alhambra Airport. Applicant also requests authority to suspend service to and from Grand Central Air Terminal at Glendale until such time as this airport is again used by commercial airlines. At present, it is used exclusively for military purposes.

From the evidence of record, it was shown that the service provided by applicant is confined to those passengers who have just completed a journey by airplane or who hold tickets for an airplane trip.

There are presently 92 inbound and outbound flights from the Lockheed Air Terminal which are served by applicant for airplane passengers. These arrivals and departures are at fixed times. These flights are operated by American Airlines, Western Airlines, Transcontinental & Western Airlines and United Airlines. Approximately one hour before the departure of such flights, applicant is notified by the reservation department of the airline involved of the number of passengers and the places at which they are to be picked up by him for transportation to the air terminal. The places at which passengers are picked up in Los Angeles or Hollywood are at the airline ticket offices or hotels located at 501 West Sixth Street, 508 West Sixth Street, 512 West Sixth Street, 516 West Sixth Street, 515 South Olive Street, 639 South Commonwealth Avenue, 3400 Wilshire Boulevard, 1634 North Vine Street, 1637 North Vine Street, 1714 Ivar Avenue, 6201 Sunset Boulevard and 7000 Hollywood Boulevard for transportation to the air terminals. The hotels involved are the Biltmore, Ambassador, Town House, Knickerbocker and Hollywood-Roosevelt. Applicant

meets incoming flights for the purpose of transporting passengers to the hotels or ticket offices above referred to. Service is also provided between the Grand Central Air Terminal at Glendale, Lockheed Air Terminal at Burbank and the Los Angeles Municipal Airport at Inglewood. Service is provided at the fares set forth (1) in the margin.

It was developed at the hearing that the Los Angeles Municipal Airport is used by the airlines as an emergency landing field only at those times when they are unable to land or take off at the Lockheed Air Terminal because of weather conditions or other circumstances.

Tanner Motor Tours, Ltd. and Tanner Motor Livery, Ltd. protested the application only in so far as applicant is requesting a certificate in lieu of one presently held to and from the Los Angeles Municipal Airport. This protest was made upon the basis that applicant is not rendering a regular service to and from this field. We do not believe that the position of protestant is tenable. It was shown that this airport is used occasionally for emergency landings. Applicant's service is then required to meet

(1)

ONE WAY ADULT FARES  
(in cents per fare)

Between/And	Los Angeles California	Grand Central Air Terminal Glendale, Calif.	Lockheed Air Terminal Burbank, Calif.
Grand Central Air Terminal, Glendale	\$ .75	-	-
Lockheed Air Terminal Burbank, California	\$1.00	\$ .25	-
Los Angeles Municipal Airport, Inglewood	\$ .75	\$1.50	\$1.75

the needs of the airplane passengers, for which he now holds a certificate. This service was provided, it appears, whenever occasion to use it has arisen.

After a careful review of the evidence of record in this proceeding, we find that public convenience and necessity require the granting of the application, as amended. Inasmuch as airline transportation to and from the Alhambra Airport has been discontinued, applicant will be authorized to abandon service to and from that airport, and the operative right will be revoked. In addition, applicant will be authorized to suspend service to and from the Grand Central Air Terminal at Glendale. Although applicant requested that the service be suspended for the duration of the war, we believe it preferable to set a definite time limit. Accordingly, service may be suspended until January 1, 1946.

Joe Ferrant 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

A public hearing having been had, the matter having been submitted, and it being found that public convenience and necessity

so require,

IT IS ORDERED as follows:

(1) That Joe Ferrant is hereby authorized to discontinue and abandon service as a passenger stage corporation between Los Angeles and the Alhambra Airport.

(2) That a certificate of public convenience and necessity is hereby granted to Joe Ferrant authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers and their baggage between airline ticket offices or hotels located at 501 West Sixth Street, 508 West Sixth Street, 512 West Sixth Street, 516 West Sixth Street, 515 South Olive Street, 639 South Commonwealth Avenue, 3400 Wilshire Boulevard, 1634 North Vine Street, 1637 North Vine Street, 1714 Ivar Avenue, 6201 Sunset Boulevard, and 7000 Hollywood Boulevard, all in the city of Los Angeles, on the one hand, and, on the other hand, Grand Central Air Terminal, Glendale; Los Angeles Municipal Airport, Los Angeles; and Lockheed Air Terminal, Burbank; and between Grand Central Air Terminal, Glendale; Los Angeles Municipal Airport, Los Angeles; and Lockheed Air Terminal, Burbank. The service to be performed hereunder shall be limited to the transportation of airline passengers and their baggage.

(3) That Joe Ferrant is hereby authorized to suspend until January 1, 1946 the operation of any passenger stage service to and from Grand Central Air Terminal at Glendale. However, such service may be re-established at any time, upon not less than ten (10) days' notice to the Commission and the public, by filing of appropriate tariffs and time tables.

(4) That said certificate is hereby granted in the place and stead of, and not in addition to, the certificates of public convenience and necessity heretofore granted to or acquired by Joe Ferrant pursuant to Decisions Nos. 22720 (Application No. 16412), 26102 (Application No. 18951), 27782 (Application No. 19809), 27829 (Application No. 19809), and 30226 (Application No. 21491), which certificates are hereby revoked and annulled.

(5) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 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 hereof and on not less than 1 day's notice to the Commission and the public.
3. Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over the most appropriate public streets and highways between the points involved.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 3<sup>rd</sup> day of October, 1944.

Justus J. Craemer  
Frank C. Hansen

W. H. Russell  
COMMISSIONERS