

ORIGINAL

Decision No. 37613

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN DIEGO)
 ELECTRIC RAILWAY COMPANY, a corporation, for)
 a temporary certificate of convenience and)
 necessity for a period of one year to furnish) Application
 common carrier passenger transportation by auto-) No. 26505
 mobile bus between the intersection of Washington)
 and Hawk Streets in the City of San Diego, and (1))
 Consolidated Vultee Aircraft Corporation Plant No.)
 1; and, (2) Consolidated Vultee Aircraft Corpora-)
 tion Plant No. 2.)

BY THE COMMISSION:

O P I N I O N

In this application San Diego Electric Railway Company requests a certificate of public convenience and necessity temporarily to furnish passenger stage transportation between the intersection of Washington and Hawk Streets in the City of San Diego and Consolidated Vultee Aircraft Corporation Plants No. 1 and No. 2.

A new highway is now under construction and nearing completion between the intersection of Washington and Hawk Streets and the intersection of Pacific Highway and Harasthy Street, and applicant has been requested by Consolidated Vultee to establish automotive passenger stage service between the Mission Hills district and the two plants by means of the new highway.

At the present time patrons living in the Mission Hills district must use services of applicant to the downtown center of San Diego and then return to the various Consolidated Vultee plants. By the use of this new street the distance of travel and the time in transit will be materially reduced.

The proposed service is intended to serve the workers at the two aircraft plants and will be limited to change of shift hours for that reason.

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

San Diego Electric Railway Company 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

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 service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers in coordination and consolidated with its existing passenger stage service between the Mission Hills district of the City of San Diego and plants Nos. 1 and 2 of Consolidated Vultee Aircraft Corporation and intermediate points, subject to the condition that this certificate after one year of operation may be terminated upon approval of this Commission.

II. San Diego Electric Railway Company shall operate passenger service herein authorized and in compliance with the following service regulations:

1. Said service shall commence within a period of not to exceed ninety (90) 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 schedules 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 such at any time, San Diego Electric Railway Company shall conduct said passenger stage operation over and along the following described routes:

(a) Commencing at the intersection of Washington Street and Hawk Street; thence via the new highway (which will constitute an extension of Washington Street) to Andrews Street; thence via Andrews Street to California Street; thence via California Street to Hancock Street; thence via Hancock Street to Kettner Boulevard; thence via Kettner Boulevard to Sassafras Street; thence via Sassafras Street to Pacific Highway; thence via Pacific Highway to Harasthy Street; thence via Harasthy Street to Andrews Street; thence via Andrews Street and the said new highway to the intersection of Washington and Hawk Streets.

(b) Commencing at the intersection of Washington Street and Hawk Street; thence via the new highway (which will constitute an extension of Washington Street) to Andrews Street; thence via Andrews and Harasthy Streets to Pacific Highway; thence via Pacific Highway to Barnett Avenue; thence via Barnett Avenue to Midway Drive; thence via Midway Drive to Enterprise Street; thence via Enterprise Street to Pacific Highway; thence via Pacific Highway to Harasthy Street; thence via Harasthy and Andrews Streets and the new highway to the intersection of Washington and Hawk Streets.

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

Dated at San Francisco, California, this 16th day of January, 1945.

Richard L. Baker
Justus J. Cullen
Francis Blair
Irving J. Powell
Harold Cullen
Commissioners