

Decision No. 37632

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CHARLES B. HOLBROOK, doing business )  
 under the name of HOLBROOK TRANSIT )  
 COMPANY, for an extension of existing )  
 certificate of public convenience and ) Application No. 26329  
 necessity to operate passenger bus )  
 service in the Bell Gardens area as )  
 an extension of existing rights. )

PHIL JACOBSON, Attorney, for applicant.

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

Applicant requests authority to extend his present oper-  
 (1)  
 ative rights in the Bell Gardens area, from the intersection of  
 Foster Bridge Boulevard and Perry Road thence along Foster Bridge  
 Boulevard, Chalet Drive, Gage Avenue, Zindell Avenue, Kuhl Drive  
 to its intersection with Gage Avenue, a distance of approximately  
 one and a half miles.

Applicant operates in the Bell, Downey, and Bellflower  
 areas. The extension now sought is in the unincorporated area  
 known as Bell Gardens, east of the City of Bell. The community  
 proposed to be served is entirely residential and lies within a  
 somewhat triangular area formed by Gage Avenue, Foster Bridge  
 Boulevard, and the Rio Hondo River.

Public hearing on this proceeding was held in Los Angeles  
 on January 4, 1945, at which time the matter was duly submitted and  
 it is now ready for decision.

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(1) Decisions Nos. 27047, 27941, 29173, 29241, 30234, 32674 and  
 35318.

The record shows that many residents of this area are requesting the proposed service; that war workers and housewives are now required to walk long distances to applicant's line because no other transportation facilities are available; that there are 555 permanent homes and 2,270 residents in the community proposed to be served and an additional 140 residences are soon to be constructed; public witnesses testified that the proposed service is needed and would be convenient in getting to and from work and shopping centers.

No additional equipment will be required as an extra bus is now operated on the Bell Gardens line in order to accommodate the patrons from this community. Fares will remain the same and schedules will be on an hourly headway between 5:51 A.M. and 12:21 A.M.

No one appeared in protest to the granting of this application.

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

Charles B. Holbrook 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 Charles B. Holbrook, authorizing him to operate as a passenger stage corporation, as that term is defined in Section 24 of the Public Utilities Act, for the transportation of passengers between the intersection of Foster Bridge Boulevard and Perry Road, and the intersection of Zindell Avenue and Kuhl Drive, in the County of Los Angeles, and intermediate points, as an extension and enlargement of applicant's present operative rights.

(2) That in the operation of said passenger stage service pursuant to the foregoing certificate, Charles B. Holbrook shall comply with and observe the following service regulations:

- (a) Applicant 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.
- (b) 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 sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
- (c) Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

Beginning at the intersection of Foster Bridge Boulevard and Perry Road; thence along Foster Bridge Boulevard, Chalet Drive, Gage Avenue, Zindell Avenue, Kuhl Drive to its intersection with Gage Avenue.

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

Dated at San Francisco, California, this 23rd day of January, 1945.

Richard L. Adams  
Justus P. Calver  
Frank W. Carr  
Harry L. Howell  
Harold Rudman  
COMMISSIONERS