

Decision No. 38057**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 E. D. SHELLEY and H. A. SHELLEY doing )  
 business under the fictitious firm name )  
 of WILMINGTON BUS CO. for Certificate )  
 of Public Convenience and Necessity to ) Application No. 26196  
 operate motor bus service in the trans- ) First Supplemental  
 portation of persons, in the City of )  
 Wilmington, County of Los Angeles, )  
 State of California. )

BY THE COMMISSION:

O P I N I O N

By Decision No. 37406, dated October 17, 1944, this Commission granted applicants E. D. Shelley and H. A. Shelley authority to establish and operate a passenger stage service between the intersection of Neptune Place and Pier A Street and the intersection of Main Street (Wilmington Boulevard) and Carson Street, Wilmington District of the City of Los Angeles, and as more specifically set forth in said decision.

Prior thereto applicants had operated a motor bus service for the transportation of persons within the City of Los Angeles, at Wilmington, since 1926.

Due to wartime regulations and restrictions it has not been possible to establish a portion of the authorized service north of Wilmington, lying in County territory. Applicants now request authority to abandon that part of the route north of Sepulveda Boulevard along Avalon Boulevard, Carson Street, and Main Street. As now proposed the northern terminus

would be the intersection of Main Street and Sepulveda Boulevard.

In order to provide more adequate service between housing projects and war industries in the Wilmington Harbor area applicants propose two extensions to the present route; one from the intersection of Avalon Boulevard and D Street east along D Street to a point on Banning Street approximately 300 feet south of D Street, a distance of approximately five blocks. This extension is necessary for the convenience of "Calship" workers and will be operated on a morning and afternoon schedule only. The second extension will begin at the intersection of Avalon Boulevard and C Street, thence to the intersection of Mar Vista and B Street, a distance of approximately one mile. On this extension it is proposed to run four morning and four afternoon trips on an hourly headway beginning at 7:40 a.m. and 3:40 p.m., respectively.

Schedules on the present lines are on a twenty-minute headway between 6:00 a.m. and 12:55 a.m., and will be retained.

Two five-cent fare zones are proposed, north and south of the intersection of Lomita and Avalon Boulevards. The interzone fare will be ten cents. Present transfer privileges will be continued.

The proposed route changes appear justified in view of the industrial and residential developments in the respective districts and have the approval of city and federal authorities. There is no opposition to the proposed changes.

Upon consideration of this matter the Commission finds that the proposed extensions are necessary and will be in the public interest. It also finds that the proposed abandonment is justified. The application will be granted. A public hearing is not necessary.

Applicant having complied with certain provisions of subparagraph (b) of Paragraph 2 of the Order in Decision No. 37406, the application filed December 16, 1944, requesting additional time, will be dismissed.

E. D. Shelley and H. A. Shelley are 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:

(1) That a certificate of public convenience and necessity be, and it is hereby, granted to E. D. Shelley and H. A. Shelley, authorizing the establishment and operation of a service as a "passenger stage corporation" as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of persons between the intersection of Avalon Boulevard and D Street and a point on Banning Street approximately 300 feet south of D Street, and intermediate points, and also between the intersection of Avalon Boulevard and C Street and the intersection of Mar Vista and B Street, and intermediate points, as

extensions and enlargement of applicants' present operative rights.

(2) That in providing service pursuant to the foregoing certificate, applicants shall comply with and observe the following service regulations:

- (a) Applicants 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) Applicants 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, tariffs and time schedules satisfactory to the Commission, 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 the route at any time by further order, applicants shall conduct operations over and along the following streets, highways, or routes, or any combination thereof:

Beginning at the intersection of Avalon Boulevard and D Street, thence along D Street to Banning Boulevard, thence south on Banning Boulevard approximately 300 feet, thence west to Quay Avenue, thence north to D Street.

Also, beginning at the intersection of Avalon Boulevard and C Street, thence along C Street, Neptune Avenue, E Street, Main Street (Wilmington Boulevard), C Street, Mar Vista Avenue, B Street, Main Street to its intersection with C Street.

Applicants are authorized to turn their motor vehicles at termini or intermediate points by operating around a block in either direction, contiguous to such intersection, or in accordance with local traffic rules.

(3) That E. D. Shelley and H. A. Shelley be, and they hereby are, authorized to discontinue and abandon a part of their operation as a passenger stage corporation, authorized by

Decision No. 37406, as follows:

Beginning at the intersection of Avalon and Sepulveda Boulevards, thence along Avalon Boulevard, Carson Street, Main Street (Wilmington Boulevard), to its intersection with Sepulveda Boulevard.

(4) That in other respects Decision No. 37406, dated October 17, 1944, shall remain in full force and effect.

(5) That Application No. 26196, filed on December 16, 1944, be, and it is hereby, dismissed without prejudice.

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

Dated at Los Angeles, California, this 10<sup>th</sup> day of July, 1945.

[Signature]

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COMMISSIONERS