

Decision No. 38517

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application
of GUY H. BENTON, for a certificate
of public convenience and necessity
to operate stage service, as a com-
mon carrier, between Norwalk,
Artesia, Hawaiian Gardens and
Bellflower.

Application No. 26984

BY THE COMMISSION:

O P I N I O N

Applicant requests authority to establish a common carrier service for the transportation of persons between Artesia, Norwalk, Bellflower and Hawaiian Gardens, in the County of Los Angeles, as an extension and enlargement of his present rights and to be consolidated therewith. Applicant now operates a similar service between Whittier, Sunshine Acres and Norwalk (Decision No. 34341), and between Whittier, Sunshine Acres and Los Nietos (Decision No. 35302).

As justification for the establishment of the proposed service applicant states that said communities are thickly populated and that no bus transportation facilities are available between said communities. The Chambers of Commerce of Artesia, Norwalk and Bellflower have addressed communications to this Commission supporting the application. The record clearly indicates a need for the proposed transportation service for the convenience of the public traveling to and from homes, business districts, and places of employment.

Applicant's operations will center in Artesia and lines will be run to Bellflower, westerly four miles; to Norwalk, northerly four miles; and to Hawaiian Gardens, southerly two and one-half miles.

It is proposed to establish three 5-cent fare zones between the towns of Artesia and Bellflower and between Artesia and Norwalk, and two 5-cent zones between Artesia and Hawaiian Gardens. Passengers will be permitted to ride into any three contiguous zones for 10 cents and any four contiguous zones for 15 cents. Daily service is proposed with three to five schedules morning and afternoon, except on Sundays and holidays when schedules will be curtailed. ⁽¹⁾ Applicant proposes to use his present buses, consisting of one 30-passenger Red and one 25-passenger White and will purchase one additional standard make 30-passenger vehicle.

Applicant is an experienced operator and the record indicates his ability to satisfactorily perform the proposed transportation service.

A restriction will be imposed against local traffic between the intersection of Bixby and Artesia Avenues and applicant's terminus in Bellflower as this area is now served. The restriction is acceptable to applicant.

Upon consideration of the full record in this matter, we find that public convenience and necessity require the establishment of a passenger stage service as proposed and therefore the application will be granted.

Guy H. Benton 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

(1) Exhibit "A" (Time schedule attached to application).

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

Application having been made in the above-entitled matter and the Commission being duly advised in the premises,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Guy H. Benton, an individual, authorizing him to establish and operate a service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of persons between Bellflower, Artesia, Norwalk and Hawaiian Gardens, as an extension and enlargement of and to be consolidated with the operative rights heretofore granted him in Decisions Nos. 34341 and 35302, subject to the following condition:

(a) Applicant shall transport no passengers having both origin and destination between the intersection of Bixby and Artesia Avenues and applicant's terminus in Bellflower.

(2) That in the operation of said passenger stage service, Guy H. Benton shall comply with and observe the following service regulations:

(a) 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) Comply with the rules of the Commission's 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 five (5) days' notice to the Commission and the public.
- (c) Conduct said passenger stage service over and along the following routes subject to the authority of the Railroad Commission to change or modify them at any time by further order:

Beginning at the intersection of Bellflower Boulevard and Mayne Avenue in Bellflower, thence along Bellflower Boulevard, Artesia Avenue, Woodruff Avenue, Artesia Avenue, Pioneer Boulevard, Carson Street (in Hawaiian Gardens), Norwalk Boulevard and Orangethorpe Avenue to its intersection with Pioneer Boulevard; also beginning at the intersection of Pioneer Boulevard and 16th Street in Artesia, thence along 16th Street, Norwalk Boulevard, Locust Street (in Norwalk), San Antonio Drive to Firestone Boulevard.

Applicant is authorized to turn his motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection.

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

Dated at San Francisco, California, this 14th day of December, 1945.

Harold B. Adams

Arthur W. Clark

James H. Farnsworth

Harold P. Huls

COMMISSIONERS