

Decision No. 38643

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
 extend their motor bus service in the
 transportation of persons in the City
 of Wilmington, County of Los Angeles,
 State of California, and to abandon
 certain portions of the route in the
 County of Los Angeles, State of
 California.

ORIGINALApplication No. 26196
2nd Supplemental

BY THE COMMISSION:

O P I N I O N

By Decision No. 37406, dated October 17, 1944, applicants were granted a certificate of public convenience and necessity authorizing the establishment and operation of a service as a passenger stage corporation for the transportation of persons between the intersection of Neptune Place (or Pier 156) and Pier A Street, in the Wilmington District, City of Los Angeles, and the intersection of Wilmington Boulevard (or Main Street) and Carson Street, in the district situated in Los Angeles County lying immediately north of and adjoining said Wilmington District. Decision No. 38057, dated July 10, 1945, authorized applicants to discontinue and abandon a part of said operation, 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.

Decision No. 38057 also authorized the establishment and operation of a service 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.

Applicants now seek permission to again establish service north of Sepulveda Boulevard along the same route as previously authorized by Decision No. 37406. They also request authority to discontinue and abandon the two routes authorized by Decision No. 38057. In effect, the granting of this application would give to applicants the same certificated rights which they had acquired by the original Decision No. 37406.

In justification of their request applicants state that there is a public need for bus transportation service to Carson Street due to the development of this area as a residential community; that service was not established in the first instance due to war-time regulations which have since been rescinded; that the routes to Mar Vista Avenue and Banning Street were established to meet a war emergency which no longer exists; that several hundred homes are now located along the proposed extension and new housing projects are in the process of construction; and that bus transportation is not now available to the public.

Service to the Calship ferry landing near Banning and C Streets is no longer required. Curtailment of operation in industries located on the Mar Vista route has reduced patronage to such an extent that a continuation of said service is no longer justified.

The proposed extension was not opposed by other carriers. The Board of Public Utilities and Transportation of the City of Los Angeles has approved a report of its engineer recommending discontinuance of service as proposed.

Upon consideration of this matter the Commission finds that public convenience and necessity require the establishment of a passenger stage service as proposed and that the proposed abandonment is justified. The application will be granted. A public hearing is not necessary.

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

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

IT IS ORDERED as follows:

I

(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 2½ of the Public Utilities Act, for the transportation of persons between the intersection of Main Street (Wilmington Boulevard) and

Sepulveda Boulevard and the intersection of Avalon and Sepulveda Boulevards, and intermediate points, as an extension 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) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, establish the service herein authorized and 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.
- (c) Subject to the authority of this Commission to change or modify such at any time, E. D. Shelley and H. A. Shelley shall conduct said passenger stage operation over and along the following described routes:

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

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

II

(1) That E. D. Shelley and H. A. Shelley are hereby authorized to discontinue and abandon operations as a "passenger stage corporation" over the following routes:

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.

and the certificate therefor granted by Decision No. 38057 is hereby revoked and annulled.

(2) That applicants shall give not less than five (5) days' notice of abandonment to the public by posting notice at the terminals of the lines to be abandoned, and in their busses.

(3) That applicants shall, within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public, cancel tariffs and time tables applicable to the service they are herein authorized to discontinue and abandon.

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

Dated at San Francisco, California, this 29th day of January, 1946.

Edward C. Quinn
Justin J. Quince
Francis E. Quinn
Joseph J. Quinn
Harold P. Kula
COMMISSIONERS