

Decision No. 39006**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BARBARA R. WALTHERS and ALFRED W.)
 BELLOWS, doing business as B. & W.)
 FILM DELIVERY, for an in lieu certifi-)
 cate extending operative rights to) Application No. 27268
 include Puente and other points, and)
 the approval of routes removing exist-)
 ing ambiguities and expediting the)
 service heretofore authorized and now)
 contemplated.)

O P I N I O N

By this application Barbara R. Walthers and Alfred W. Bellows, doing business as B. & W. Film Delivery, seek an in lieu certificate of public convenience and necessity for the purpose of (a) clarifying existing operative rights by re-describing routes; (b) extending and enlarging their operative rights to include the communities of El Monte, Puente, and Spadra, and the California Institute for Men, south of Chino; and, (c) further extending and enlarging said operative rights to include an area three miles laterally on either side of the present routes (1) between Sierra Madre and San Bernardino and (2) between Monterey Park and Pomona.

By Decision No. 36908, dated February 29, 1944, applicant acquired the certificates of public convenience and necessity created by Decision No. 11285, dated June 28, 1923,

(1)
and Decision No. 16120, dated March 8, 1926.

The proposed service to Puente and Spadra, a deviation from one of applicant's present routes, will be along Valley and Pomona Boulevards between the intersection of Valley Boulevard and U. S. Highway 99 (Garvey Avenue) and the City of Pomona. The City of El Monte will be provided with service by reason of the lateral rights sought along the present route. The California Institute for Men is located approximately two miles south of the City of Chino which is now served.

Applicant contends that the present route descriptions are incomplete, inaccurate and ambiguous due to omissions and misnaming of streets, and because changes have been made on authoritative highway maps renaming and locating some of the streets and highways. An examination and comparison of said route descriptions with the latest road maps available supports applicant's views in this respect.

In justification of the proposed extension of service to El Monte, Puente, Spadra, and other points within the desired lateral zones, applicant states that there are no existing carriers now rendering a comparable service to that which applicant proposes except one who renders a similar service to

(1) Decision No. 12285 authorized the operation "of an automobile truck and light express service as a common carrier of motion picture films and advertising matter incidental to the use of such films between Los Angeles and Riverside and intermediate points. * * *"

Decision No. 16120 authorized "the operation * * * of an automobile freight line for the transportation of moving picture films and advertising matter in connection with said films * * * between Los Angeles, Alhambra, Monterey Park, Lamanda Park, Sierra Madre, Arcadia, Monrovia, Azusa, Glendora, and Baldwin Park, and places intermediate thereto.

Alhambra and Lamanda Park, points now served by applicant; that the proposed lateral rights between Sierra Madre and San Bernardino, and between Monterey Park and Pomona, would further simplify present operative rights inasmuch as applicant, by reason of the authority heretofore granted, is already serving communities three miles laterally from Foothill Boulevard, U. S. Highway 66, and Garvey Boulevard (U. S. Highway 99), including such cities as Monrovia, Glendora, Covina, and Upland.

Equipment which applicant proposes to operate consists of one 1940 G. M. C. $1\frac{1}{2}$ -ton panel truck and two 1942 Chevrolet $1\frac{1}{2}$ -ton trucks with special bodies. No material change in schedules is contemplated and present rates will be maintained.

Other carriers serving this territory have no objection to the granting of the application.

The granting of a new certificate to supersede those presently held by applicant, together with the extensions sought, appears to be in the public interest and, therefore, the application will be granted. A public hearing is not required.

Barbara R. Walthers and Alfred W. Bellows 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

An application therefor having been filed, and it being hereby found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Barbara R. Walthers and Alfred W. Bellows, copartners, authorizing the establishment and operation of a service as a highway common carrier, as that term is defined in Section 2 3/4 of the Public Utilities Act, for the transportation of motion picture films, accessories, supplies, advertising matter, electric lighting effects (including carbons, bulbs and globes), projection machinery and parts, and tickets between Los Angeles and Redlands, and intermediate points on routes hereinafter described and within three miles laterally on either side of a portion of said routes.

(2) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

- (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. 80 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.

- (c) Subject to the authority of this Commission to change or modify such at any time by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Route 1

Beginning at the intersection of Washington Boulevard and Vernon Avenue (Los Angeles), thence along Washington Boulevard, Central Avenue, First (1st) Street, Alameda Street, Aliso Street, Mission Road, Huntington Drive to Alhambra, thence along Main Street to San Gabriel, thence along Rosemead Boulevard to Lamanda Park, thence along Foothill Boulevard, Michellinda Boulevard and Siorra Madre Boulevard to Sierra Madre, thence along Baldwin Avenue, Foothill Boulevard to Monrovia, thence along U. S. Highway 66 to San Bernardino, thence via Third Street (San Bernardino), City Creek Street, Orange Avenue to Redlands; with lateral rights of three miles on either side of Foothill Boulevard and U. S. Highway 66 between Siorra Madre and San Bernardino.

Route 2

Beginning at the intersection of Washington Boulevard and Vernon Avenue (Los Angeles), thence along Washington Boulevard, Central Avenue, First (1st) Street, Alameda Street, Aliso Street, Ramona Boulevard and U. S. Highway 99 to Ontario, thence along U. S. Highway 60 to Riverside, thence via Main Street (Riverside), Russoll Street, La Cadona Drive, 8th Street to Colton, thence along Colton Avenue to Redlands; with lateral rights of three miles on either side of U. S. Highway 99 between Monterey Park and Pomona.

Also, beginning at the intersection of U. S. Highway 99 and Valley Boulevard (near El Monte), thence along Valley Boulevard, Pomona Boulevard, 2nd Street to Pomona.

Also, beginning at the intersection of U. S. Highway 99 and Central Avenue (Ontario), thence southerly along Central Avenue to Merrill Avenue (California Institute for Men).

(3) That the foregoing certificate is granted in lieu of and shall supersede all highway common carrier certificates heretofore granted by Decisions Nos. 12285, 16120, and 36908, which decisions are hereby revoked to the extent that they grant any authority to Barbara R. Walthers and Alfred W. Bellows, or their predecessor, to operate as a highway common carrier.

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

Dated at San Francisco, California, this 21st day of May, 1946.

Harold Anderson
Justus F. Craven
Francis Chow
Samuel Lane
Harold P. Kelly
COMMISSIONERS