

Decision No. 39007**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Peter J. van Loben Sels, an individual)
 doing business as El Monte Transit)
 Lines, for a certificate of public con-)
 venience and necessity authorizing the) Application No. 27295
 operation of a passenger stage business)
 between El Monte, California, on the one)
 hand, and points in the vicinity thereof,)
 on the other, serving all intermediate)
 points over and along specified routes.)

Glanz & Russell by Theodore W. Russell for applicant;
 Lindsay Van Tongeren for El Monte Community Chamber of Commerce;
 Joseph K. Hawkins for El Monte Taxi Company; L. Gird Levering
 for El Monte Realty Board and Byron Thompson for El Monte School
 District, * * * (1), interested parties.

O P I N I O N

Peter J. van Loben Sels, doing business as El Monte
 Transit Lines, seeks authority to establish service as a common
 carrier for the transportation of persons in El Monte and vicin-
 ity.

Public hearing in this proceeding was held before
 Examiner Chiesa at El Monte on May 2, 1946. Evidence having
 been adduced, the matter was submitted for decision.

Applicant proposes to inaugurate service along a route,
 operating two lines, which would serve the business district of

(1) Numerous additional appearances, as interested parties, were
 entered by representatives of various organizations support-
 ing the application.

El Monte and "Five Points" and a residential area generally north of the city. Each line will cover a round-trip distance of approximately eight miles.

It is proposed to charge a one-way fare of 10 cents. No round-trip or commutation tickets will be offered. Schedules will be operated half-hourly from 6:00 a.m. to 8:30 a.m. and from 5:00 p.m. to 7:10 p.m., and hourly from 9:00 a.m. to 5:00 p.m. Service after 7:10 p.m. is not contemplated but will be established if a need for later schedules develops.

Motor bus equipment proposed to be used in the operation of the service consists of two new 27-passenger Ford Transit coaches and one additional used bus to be maintained for standby operations. Applicant testified that he can get delivery on the new equipment within 30 to 60 days.

Applicant has not heretofore operated a passenger stage service but has had considerable transportation experience while serving in the armed forces. The evidence also shows that applicant is financially responsible.

Estimated gross income is approximately \$70 per day (700 passengers) or \$1,820 per month on the basis of 26 operating days. "Out-of-pocket" operating costs are estimated to be approximately \$1,277 monthly.

Numerous witnesses, businessmen, residents, and representatives of civic, fraternal, and social organizations testified in support of the application. The evidence shows that in excess of 20,000 persons reside in the area proposed to be served and within reasonable walking distance (1/4 mile) of the proposed

lines. There are approximately 4,074 homes in the area and in addition to the principal business section of El Monte, a business district at the intersection of Garvey Avenue and Valley Boulevard, known as "Five Points", will also become accessible to the residents of the community.

No other carrier serves this community locally except one which operates along Valley Boulevard. This carrier does not oppose the granting of the application.

The application is supported by the City of El Monte.

Having considered the application and the evidence of record in this proceeding, we are of the opinion and find that public convenience and necessity require the establishment of the proposed service, and, therefore, the application will be granted.

Peter J. van Loben Sels 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

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised, and it having been 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 Peter J. van Loben Sels, 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 City of El Monte and an area adjacent to said city, within the County of Los Angeles, and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, applicant 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, 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, Peter J. van Loben Sels shall conduct said passenger stage operation over and along the following described route:

Beginning at the intersection of Valley Boulevard and Columbia Street, thence along Columbia Street, Hoyt Avenue, Valley Boulevard, Tyler Avenue, Freer Street, El Monte Avenue, Lower Azusa Road, Peck Road, Stewart Street, Ramona Boulevard (San Bernardino Road), Valley Boulevard, Mountain View Road, Lansdale Street, Cogswell Road, The Wyo Drive, La Madera Avenue, Rio Hondo Parkway, Peck Road to its intersection with Lower Azusa Road. Also, along Valley Boulevard between Tyler Avenue and Ramona 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, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 28th day of May, 1946.

David Rudman
Justus F. Casner
Francis W. ...
Walter ...
Harold S. Hule
COMMISSIONERS