

Decision No. 39142

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of ASBURY RAPID TRANSIT SYSTEM, for an order authorizing the exercise of rights and privileges under a bus franchise granted by the City of Los Angeles.

Application No. 27478

ORIGINAL

RODNEY WILLIAMS and BART F. WADE, Attorneys, for Applicant.

K. CHARLES BEAN, Chief Engineer, Department of Public Utilities and Transportation, and ROGER ARNEBERG, Assistant City Attorney, for the City of Los Angeles.

O P I N I O N

Asbury Rapid Transit System makes application for an order declaring that public convenience and necessity require the exercise of the rights and privileges granted by the City of Los Angeles as set forth in Ordinance No. 90272, adopted March 25, 1946, permitting the operation of motor buses within the City of Los Angeles.

Applicant is a corporation engaged in the operation of passenger stages under certificates of public convenience and necessity granted by this Commission. Parts of such bus operations are within the City of Los Angeles. The franchise which applicant has obtained is for a term of twenty-one years, and is in all material respects identical with those franchises granted by the City to Los Angeles Transit Lines and Pacific Electric Railway Company covering their street railroad and motor bus operations.

A street railroad corporation, as defined in the Public Utilities Act, includes one operating motor buses in conjunction with its street railroad system, and such a carrier is required by Section 50 (b) to obtain a certificate for the exercise of any franchise granted by a municipality. There is no provision of the

Act requiring a carrier of the class defined as a passenger stage corporation to obtain such a certificate to exercise a franchise grant. The question is raised, therefore, whether the instant application is within the Commission's jurisdiction.

Applicant states that the application was filed because of its uncertainty as to the construction to be given to Section 50 (b). It points out that the franchise now obtained from the City of Los Angeles in no way supersedes or limits the certificates of public convenience and necessity which this Commission has issued to it. It follows that applicant is not seeking an order permitting it either to enlarge or restrict its existing rights to operate as a passenger stage corporation. Therefore, inasmuch as a further certificate to exercise the franchise is not required by Section 50 (b), the Commission concludes that the application should be dismissed.

O R D E R

The application of Asbusy Rapid Transit System for certificate authorizing it to exercise franchise in the City of Los Angeles for the operation of motor buses having been heard, and the Commission being of the opinion that such application is not within its jurisdiction, therefore

IT IS ORDERED that said application be and hereby is dismissed.

The effective date of this order shall be twenty days from and after the date hereof.

Dated at Los Angeles, California, this 25<sup>th</sup> day of June, 1946.

L. Harold Ruduen  
Justus F. Calver  
Thomson D. Goss  
John A. Powell  
Harold S. Kula

Commissioners.