

Decision No. 39172

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of the LOS ANGELES  
TRANSIT LINES to exercise rights and privileges  
under a street railway franchise granted by the  
County of Los Angeles.

Application  
No. 27447

GIBSON, DUNNE & CRUTCHER, by MAX EDDY UTT, Attorneys,  
for Applicant.

O P I N I O N

Los Angeles Transit Lines makes application for certificate to exercise a franchise granted by the County of Los Angeles by Ordinance No. 4651, new series, adopted April 9, 1946, for the operation of that portion of applicant's street railway tracks lying on the easterly side of Indiana Street from First Street to Fifth Street.

The County franchise referred to is a renewal of one which expired on June 15, 1945, and it is for a term of twenty-five years. Indiana Street constitutes the boundary of the City of Los Angeles, and the short section of applicant's street railway facilities here involved lies on the County side of that street. By authorization heretofore given by the Commission, applicant will soon substitute motor coach service for street car service along this street. However, the applicant will continue to use the tracks for pull-in and out operations.

The franchise calls for a payment of an annual fee to the County of 2% of the gross receipts arising from the use, operation and possession of the franchise. As this is renewal of a like franchise expiring June 15, 1945, the fees will accrue from that date. The fees assessed against the particular trackage covered by the ordinance are allocated on the basis of the proportion of the track mileage involved to the total mileage operated, and are estimated to amount to approximately \$733.00 annually. The costs of obtaining the franchise, together with

this certificate, total \$150.00.

The Commission is of the opinion that the certificate should be granted authorizing the exercise of the franchise.

ORDER

Los Angeles Transit Lines having made application for authority to exercise a franchise granted by the County of Los Angeles by Ordinance No. 4651, new series, adopted April 9, 1946, hearing having been had on such application and it appearing to the Commission and being found as a fact that public convenience and necessity so require,

IT IS ORDERED that a certificate be and hereby is granted Los Angeles Transit Lines to exercise the rights and privileges granted by said franchise.

It is a condition of this order that no claim of value for such franchise or the authority hereby granted in excess of the actual cost thereof shall ever be made by the grantee, its successors, or assigns, before this Commission or before any court or other public body.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of July, 1946.

Edward Culver  
Justin J. Coe  
James Caw  
Wm. H. Dwyer  
Harold P. Kula

Commissioners.