

ORIGINAL

Decision No. 40224

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Asbury Rapid Transit System, a corporation, for authority to operate a motor coach transportation service as a common carrier for compensation between the City of San Fernando, on the one hand, and that section of the City of Los Angeles known as Hollywood, on the other hand, and all intermediate points.

Application No. 27488

APPEARANCES

DON L. CAMPBELL and RODNEY F. WILLIAMS for Applicant; C. W. CORNELL, E. L. E. BISSINGER and RANDOLPH KARR for Pacific Electric Railway Company, Protestant; T. M. CHUBB, PAUL L. GARBER and T. V. TARBOT for Board of Public Utilities and Transportation of the City of Los Angeles, and ROGER ARNEBERGH for City Attorney of the City of Los Angeles, Interested Parties; JOHN B. KINGSLEY for Hollywood Chamber of Commerce, Interested Party; LLOYD GREGG and JAMES W. REITZ for San Fernando Valley Associated Chambers of Commerce, Interested Party; HARMON R. BENNETT and ARCHIE L. WALTERS for City of Burbank, Interested Party; R. A. HAUER, JR. for Burbank City Lines, Interested Party; EVERETT L. PARKER and JAMES L. DOUGHERTY for Utility Workers of America, Interested Party; and JOY A WINANS for the Peoples Lobby of California, Interested Party.

INTERIM OPINION

By Decision No. 39756, dated December 16, 1946, the above-numbered application of Asbury Rapid Transit System to operate a motor coach transportation service between the City of San Fernando and Hollywood and all intermediate points, was denied. Petitions for rehearing were filed by applicant and other interested parties and the Commission on March 17, 1947, granted the petition and set rehearing for April 9, 1947, at North Hollywood.

Further hearing on 3rd Supplemental Application No. 26636 of Pacific Electric Railway Company was set for the same time and

place. By stipulation at the opening of the rehearing, it was agreed that while the two matters were to be considered on separate records, those portions of the record which were common to either application would be considered by the Commission in making its decision.

A portion of one day (April 11) was devoted to the rehearing in this matter and the record thus developed is far from complete. As far as it goes, however, it has demonstrated conclusively that those persons residing along Laurel Canyon Boulevard and Magnolia Boulevard are without adequate public transportation facilities and that such facilities should be provided for them. This picture has been changed from that presented at the time of the original hearings in this matter by reason of construction activity in the area tributary to the proposed line. As to any final conclusion on the application, the record is insufficiently developed to enable a final determination, but in view of the fact that further hearing has been set for May 21, 1947, and that certain portions of the proposal contained in the instant application are noncontroversial, it appears that those persons in the area above described should not be obliged to wait for the development of a record upon which a decision could be predicated covering the applicant's entire proposal.

We believe it would be in the public interest for applicant and Pacific Electric Railway to endeavor to work out a plan of joint fares in this area.

Asbury Rapid Transit System 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 as to the number of rights which may be given.

INTERIM ORDER

Predicated upon the foregoing opinion and upon the record so far adduced,

IT IS HEREBY ORDERED THAT:

1. A certificate of public convenience and necessity is granted to Asbury Rapid Transit System authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 22½ of the Public Utilities Act, for the transportation of passengers between the City of San Fernando on the one hand and that section of the City of Los Angeles known as North Hollywood on the other hand, and intermediate points.

2. 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. Within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicant shall 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, appropriate tariffs and time tables.

C. Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Commencing at applicant's off-street terminal at 726 San Fernando Road in the City of San Fernando, thence via San Fernando Road, Mission Boulevard, Laurel Canyon Boulevard, Magnolia Boulevard, Tujunga Avenue, Chandler Boulevard, to a terminal on Chandler Boulevard between Tujunga Avenue and Lankershim Boulevard; returning via Chandler Boulevard, Lankershim Boulevard, Magnolia Boulevard, and the reverse of the going route to the intersection of San Fernando Road and Brand Boulevard, thence via Brand Boulevard, Celis Street, to the rear entrance of applicant's off-street terminal at 726 San Fernando Road, San Fernando.

D. No passengers shall be transported having both their point of origin and destination along Laurel Canyon Boulevard between Victory Boulevard and Magnolia Boulevard.

The Commission reserves the right to make such further order or orders in this matter as may appear just and reasonable, and to revoke the authority herein granted if, in its opinion, public convenience and necessity demand such action.

This order shall become effective ten days from the date hereof.

Dated at San Francisco, California, this 29th day of April, 1947.

Harold A. Hub
Justice F. G. Cameron
Justice H. Wallace
R. F. D. [unclear]
Quentin Patton
Commissioners