

ORIGINAL

Decision No. 44666

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DUDLEY ATKINS for certificate of)
public convenience and necessity to) Application No. 31397
operate passenger, property and)
baggage service between LOS ANGELES)
and MOUNT WILSON.)

David Connelly, attorney for applicant. M. E. Gainer
for Department of Public Utilities and Transportation of the City
of Los Angeles, interested party.

O P I N I O N

Applicant, Dudley Atkins, requests authority to establish and operate a passenger stage service, transporting also baggage and express, between Los Angeles, Glendale, Pasadena, and La Canada, on the one hand, and Mt. Wilson, on the other hand⁽¹⁾. No local service between points intermediate of Los Angeles and the northern limits of La Canada will be performed.

A public hearing was held in this matter on July 31, 1950, at Los Angeles.

It is proposed to begin the operation with one round trip per day leaving Los Angeles at 9:30 a.m. and arriving at Mt. Wilson at 11:30 a.m. The return schedule will leave Mt. Wilson at 4:05 p.m. and arrive at Los Angeles at 6:15 p.m. Proposed one-way fares are \$1.25 from Los Angeles, \$1.00 from Glendale and Pasadena, 75 cents from La Canada.

(1) A similar service has been operated by Asbury Rapid Transit System since 1926, but was discontinued recently (see decision on Application No. 30901).

Rates for express will be submitted for approval when and if the service is established. Upon this application authority can be granted to transport only baggage and express, with certain weight limitations, upon passenger-carrying vehicles, and only when such transportation is incidental to the transportation of persons.

Applicant proposes to place in service either an 8-passenger, 1942 Cadillac Sedan or a 12-passenger, 1942 Chevrolet Sedan with extended body. Either vehicle is available for a purchase price of approximately \$1,000.

Applicant lists assets of \$35,825 and liabilities of \$10,236. It is estimated that weekly revenue will amount to \$115 and expenses, exclusive of drivers' wages, will be \$73. Applicant believes that both passenger and express revenue can be increased sufficiently to compensate for the operation and he appears able and willing to undertake the enterprise.

Recently, several television and FM stations have located on Mt. Wilson. It is believed that additional revenue will be forthcoming by reason of said development. Applicant proposes to develop more tourist business through arrangements with ticket agencies, radio stations, and the Mt. Wilson Hotel. The evidence indicates sufficient available revenue to support an owner-operated business provided anticipated additional revenues are realized.

The application is not opposed by any carrier, nor by the cities proposed to be served.

Having fully considered the matter, the Commission is of the opinion and finds that public convenience and necessity require that said service be inaugurated. As the record does not at this

time justify granting a permanent certificate, applicant will be authorized to perform said service upon a trial basis for a limited period. Meanwhile, applicant may again apply to this Commission for a further order in the premises.

Dudley Atkins is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be 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 granting 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

Application having been made, the Commission being fully advised in the premises, and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Dudley Atkins, authorizing the establishment and operation of service as a "passenger stage corporation", as defined in Section 2-1/4 of the Public Utilities Act, for the transportation of persons and their baggage or express, when such baggage or express is transported incidental to the

transportation of passengers (1) between Los Angeles, Glendale, Pasadena, and La Canada, on the one hand, and Mt. Wilson, on the other hand; and (2) between the northern limit of the community of La Canada and Mt. Wilson, and intermediate points, subject to the following conditions:

- (a) No passengers, baggage, or express shall be transported having both origin and destination between applicant's terminus in the city of Los Angeles and the northern limit of the community of La Canada.
- (b) The transportation of baggage or express shall be incidental to the transportation of passengers, and shall be limited to a weight of one hundred (100) pounds per each shipment.
- (c) Service as hereinabove authorized shall be established concurrently with the discontinuance of service by Asbury Rapid Transit System.

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

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon 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 Orders Nos. 79 and 80, 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, Dudley Atkins shall conduct said passenger stage operation over and along the following described route:

Beginning at applicant's terminus in the city of Los Angeles, thence along the most appropriate streets to Figueroa Street, thence along Figueroa Street, Avenue 26, San Fernando Road, Glendale Boulevard to the city of Glendale, thence along Wilson Avenue, Everett Street, Broadway, Colorado Street to the city of Pasadena, thence along Orange Grove Avenue, Green Street, Marengo Avenue, Colorado Street, Fair Oaks Avenue, State Highway 118 to La Canada, thence along Haskell Avenue (also known as Angeles Crest Highway), Angeles Crest Highway and Mt. Wilson Road to Mt. Wilson, and return via same route.

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 intersections, or in accordance with local traffic rules.

(3) That the certificate of public convenience and necessity hereinabove granted shall expire on December 31, 1951, unless otherwise ordered by this Commission.

The effective date of this order shall be twenty (20) days after the date hereof

Dated at San Francisco, California, this 15th day of August, 1950.

R. Z. [Signature]
Justin F. Greener
Clifford [Signature]
Harold [Signature]
[Signature]
COMMISSIONERS