

**ORIGINAL**Decision No. 46491

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of B. J. Smith doing business as	)	
CAL TRANS LINES for a certificate	)	Application No. 32762
of public convenience and necessity	)	As Amended.
to operate a passenger and express	)	
service between Monrovia and Sierra	)	
Madre, Arcadia, Duarte Unincorporated	)	
Areas, Los Angeles County.	)	

Dave Hutchinson and B. J. Smith for applicant. Roy A. Hauer Jr. for Pasadena City Lines, L. R. Mc Namee for the City of Monrovia, C. O. Wedberg for the Monrovia Chamber of Commerce, and T. Guy Cornyn for the City of Sierra Madre, interested parties.

O P I N I O N

The application, as amended, seeks authority for B. J. Smith, doing business as Cal Trans Lines, to operate as a passenger stage corporation for the transportation of passengers and express between the City of Monrovia and the unincorporated area known as Duarte. Two lines are proposed, one terminating at the intersection of Fish Canyon Road and Royal Oaks Drive and the other at the intersection of Camino Real and Mountain Avenue and at the intersection of Duarte Road and Denning Avenue near City of Hope Sanitarium.

Public hearing was held in Monrovia before Examiner Rowe on November 16, 1951, at which time oral and documentary evidence was adduced and the matter was duly submitted.

At the beginning of the hearing applicant stated that he withdrew his request contained in the application before its amendment to operate generally within the City of Monrovia and to operate between Monrovia and Arcadia and Sierra Madre. The local operation in Monrovia which applicant has been carrying on under authority from that city was discontinued October 1, 1951. Applicant stated that if the present requested authority is granted he would subsequently request permission to render such service in the city as he felt might prove remunerative and would be in the public interest. At present, however, no such service is proposed.

The mayor and one councilman from Monrovia appeared and testified in support of the application as thus amended. The councilman deplored the fact that, after the Pacific Electric Railway Company had abandoned its rail service along Royal Oaks Drive in Duarte, its substituted bus service has operated along Huntington Drive, leaving residents along and north of Royal Oaks Drive more than a reasonable walking distance from any transportation service. He and other witnesses stated that the population in that area, particularly north of Royal Oaks, had recently increased materially.

A like population growth was described along and on either side of the proposed route traversing Mountain Avenue. At present, approximately 300 patients reside at the City of Hope Sanitarium, and there is a like number of employees there. According to the testimony, these employees, the ambulatory patients, and visitors of patients are sorely in need of the proposed transportation service.

In other portions of the proposed operation there is a women's club, a nursery school and a health and welfare center. A large new church and related buildings are under construction by the Methodist Church. Many veterans of the Second World War are residing in Duarte and their wives are left during the day without an automobile and they require public transportation. During rainy periods many streets are used for drainage purposes and cannot then be used by pedestrians as they have no sidewalks on many of these streets. The Monrovia Chamber of Commerce had a representative at the hearing in support of the application. Applicant requested that the decision become effective immediately instead of after twenty days, as is usual, because of the urgency of the need for this service in view of the approaching rainy weather and the Christmas shopping season. The decision will be made effective ten days after its date because of this immediate need and since no one appeared in opposition to the application.

Applicant has five GMC buses which he has been using in the local service in Monrovia which, since its discontinuance, are available for the service proposed herein. Three buses will be required to operate the two routes and two will be held in reserve. Four drivers will be hired and paid the prevailing wage in that area. An hourly headway will be maintained, and on Saturdays this will be reduced to a two-hour headway. Schedules will be coordinated so as to permit transfers without excessive waiting. This will also be the case with meeting Pacific Electric Railway Company schedules.

Applicant will provide free transfers on his lines. Passengers, according to the proposed fares, may ride from any point on his lines in Duarte into Monrovia for 15 cents. The initial fare is 10 cents and an additional 5 cents is charged if passengers cross the city limits of Monrovia in either direction. The same charge will be made for carrying — ? express packages as for carrying passengers. Applicant stated that he understood that Monrovia was annexing an area north of Royal Oaks Avenue and east of Buena Vista Street and west of Winston Avenue. He stated that this change would not affect his fares which would be charged on the assumption that such annexation had not taken place. Applicant offered evidence of financial ability which should be sufficient if the operation is patronized to the extent indicated by the evidence of record. The Commission finds that the proposed operation is required by public convenience and necessity and it will be authorized.

In a letter addressed to the Commission under date of November 13, 1951, Pacific Electric Railway Company stated that it had no objection to granting the application of B. J. Smith, provided the certificate of public convenience and necessity contained the restriction which will be incorporated in the order herein. Applicant stated at the hearing that he consented to the insertion of such restriction.

B. J. Smith, doing business as Cal Trans Lines, 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

Application as above entitled having been filed, public hearing having been held thereon, the matter having been submitted and the Commission hereby finding 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 B. J. Smith, doing business as Cal Trans Lines, authorizing the establishment and operation as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers and express not exceeding 100 pounds in weight per shipment, to be transported in passenger vehicles only, between Monrovia, on the one hand, and points in the unincorporated area of Los Angeles County known as Duarte, on the other hand, to wit: the intersection of Royal Oaks Drive and Fish Canyon Road, the intersection of Camino Real and Mountain Avenue and the intersection of Duarte Road and Denning Avenue near City of Hope Sanitarium, subject to the following restriction:

Passengers shall not be picked up or discharged at (a) Foothill Boulevard and Fish Canyon Road, (b) Foothill Boulevard and Elmhurst Avenue, (c) points along Foothill Boulevard between points described as (a) and (b) herein, (d) Foothill Boulevard and Highland Avenue, (e) Foothill Boulevard and Mountain Avenue when origin or destination is a point west of Shamrock Avenue and Colorado Boulevard in the City of Monrovia.

(2) That, in providing service pursuant to the certificate hereby granted, B. J. Smith, doing business as Cal Trans Lines, shall comply with and observe 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 No. 79 and No. 80 and Part 19 of General Order No. 98 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 the operations herein authorized at any time, said B. J. Smith shall conduct said passenger stage operations over and along the following routes:

Between the intersection of Foothill Boulevard and Primrose Avenue in Monrovia and the intersection of Royal Oaks Drive and Fish Canyon Road in Duarte, over and along Foothill Boulevard, Myrtle Avenue, Olive Street, Ivy Avenue, Colorado Boulevard, Buena Vista Street, Royal Oaks Avenue and Royal Oaks Drive. Also along Primrose Avenue and Linwood Avenue between Foothill Boulevard and Myrtle Avenue.

Between the intersection of Colorado Boulevard and Mountain Avenue and the intersection of Royal Oaks Drive and Fish Canyon Road, over and along Mountain Avenue, Central Avenue, Elmhurst Avenue, Huntington Drive, Crestfield Drive, Bloomdale Street, Crownhaven Street and Fish Canyon Road.

Between Royal Oaks Avenue and Central Avenue along Highland Avenue.

Between the intersection of Mountain Avenue and Royal Oaks Avenue and City of Hope Sanitarium, over and along Royal Oaks Avenue, Buena Vista Street and Duarte Road.

Between the intersection of Buena Vista Street and Duarte Road and the intersection of Mountain Avenue and Camino Real, over and along Duarte Road, Earlington Avenue, Kelwill Way, Broadland Avenue, Broach Avenue, Hurst View Street and Mountain Avenue.

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.

The effective date of this order shall be ten (10) days after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of December, 1951.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners