

ORIGINAL

Decision No. 46515

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
DUDLEY ATKINS for certificate of)	Application No. 31397
public convenience and necessity)	1st and 2d Supplemental
to operate passenger, property)	
and baggage service between Los)	
Angeles and Mount Wilson.)	

O P I N I O N

By first and second supplemental applications, filed October 10, 1951, and November 19, 1951, applicant seeks a two-year extension of his present certificate of public convenience and necessity, authority to make a minor route change and extend the service from Red Box to the village located at the terminus of the Angeles Crest Highway. Relief is also asked from certain provisions of General Order No. 98, pertaining to bus equipment and schedules.

By Decision No. 44666, dated August 15, 1950, applicant received a certificate of public convenience and necessity to operate a passenger stage service between Los Angeles and Mt. Wilson, restricted against local service between Los Angeles and La Canada. The certificate was granted for a trial period of a year as there was some doubt that the service could be operated regularly on a compensable basis. Applicant has filed a statement for the thirteen-month period of September 1950 to October 1951, inclusive, showing income and expense to be as follows:

Income -

Passenger Revenue	\$2,833.61	
U. S. Mail	1,039.02	
Newspapers	83.40	
Express	2.50	\$3,958.53

Expense -

Wages	\$1,034.83	
Agent's Commission	282.09	
Gas & Oil	1,103.41	
Office	252.55	
Advertising	151.98	
Repairs	354.31	
Tires	317.18	
Miscellaneous	183.57	
Wash	41.21	\$3,721.13

Net Income \$ 237.40

The statement does not include cost of insurance nor adequate compensation for applicant who is the operator as well as the owner. Applicant, however, has indicated a willingness to continue to finance the operation in the hope of developing additional revenue. Applicant's financial condition as reflected in the original application (assets of \$35,825 and liabilities of \$10,236) and the operating results so far obtained indicate that the service should be continued on a trial basis.

The proposed route change along Holly Street and Linda Vista Avenue in Pasadena will provide direct transportation for students between the mountain area and an elementary and junior high school. There are no regular passengers along that portion of the present route where service is to be discontinued.

Applicant proposes to extend the service between Red Box and the village at the terminus of the Angeles Crest

Highway, a distance of 24 miles. The intermediate communities are Charlton Flats, Chilao, Waterman and Kratka. Applicant states that there are 200 permanent residents, and numerous summer camps, along said route; that many persons without private transportation visit the area in summer; that winter sports will also provide some revenue; that no additional equipment or personnel will be needed; that one round trip, six days per week, will be operated; that additional passenger revenue will compensate for the new service.

Proposed fares from Red Box, based on approximately 6 cents per mile, will be as follows: Charlton Flats 60 cents; Chilao 84 cents; Waterman \$1.20; Kratka \$1.32; Village \$1.41. Present fares will not be changed. The proposed daily schedule (except Monday) will leave Los Angeles at 9:30 A.M., arrive at Mt. Wilson at 11:10 A.M.; arrive Village at 12:20 P.M.; leave Village 4:15 P.M.; arrive Mt. Wilson 5:25 P.M.; arrive Los Angeles 7:00 P.M.

Applicant's request that we establish a more definite point in La Canada beyond which it may accept local passengers appears to be justified as the present description of "the northern limit of the community of La Canada" is not practicable, in view of recent and continuing residential development in said area. The suggested intersection of Haskell Avenue (Angeles Crest Highway) and Olive Street appears to be more suitable.

Applicant withdrew his request for relief from certain provisions of General Order No. 98, and will file time tables in accordance with said order.

As applicant's requests do not appear to be controversial, a public hearing is not deemed necessary.

For the purpose of clarity applicant will be granted a certificate in lieu of the one which he now holds.

Dudley Atkins 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 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 state corporation", as defined in Section 226 of the Public Utilities Code, 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 and the village at the present terminus of Angeles Crest Highway, on the other hand; and (2) between the intersection of Haskell Avenue (Angeles Crest Highway) and Olive Street (in La Canada) and Mt. Wilson and the village at present terminus of Angeles Crest Highway, 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 intersection of Haskell Avenue (Angeles Crest Highway) and Olive Street in 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.

(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 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 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, Holly Street, Linda Vista 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. Also along Angeles Crest Highway between Red Box and the village at the present terminus of said highway.

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, 1953, unless otherwise ordered by this Commission.

(4) That, except as herein authorized, First and Second Supplemental Application No. 31397 be, and they hereby are, denied.

(5) That the authority herein granted is in lieu of the certificate of public convenience and necessity granted by

Decision No. 44666, dated August 15, 1950, which decision is hereby revoked.

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

Dated at San Francisco, California, this 11th day of December, 1951.

A. J. [Signature]
President
Justus F. [Signature]
Harold P. [Signature]
[Signature]
[Signature]
Commissioners