

ORIGINALDecision No. 49149

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DICK RASMUSSEN for a certificate of)
 public convenience and necessity to)
 operate an automobile passenger)
 service between Whittier, California,)
 and the Douglas Aircraft Company)
 plant at Long Beach, California.)

Application No. 34622

O P I N I O N

Applicant alleges that for three years past he has been transporting employees of the Douglas Aircraft Company plant near Long Beach, California, between Whittier and said plant. By the application herein he seeks authority to conduct said operations in the future as a passenger stage corporation via two designated routes.^{1/} All passengers carried will either originate at or be destined to the Douglas Aircraft Company plant. Route No. 1 is via Rosemead-Lakewood Boulevard. Applicant will not pick up or discharge passengers on this route between the intersection of Anaheim-Telegraph Road and Rosemead Boulevard, on the one hand, and the Douglas Aircraft Company plant at Long Beach, on the other hand. Route No. 2 is through Santa Fe Springs, Norwalk and Artesia. On this route applicant proposes to pick up and discharge passengers at all points, provided the passengers originate at, or are destined for, the Douglas plant near Long Beach.

As justification, applicant alleges that several employees of Douglas Aircraft Company live in and around the City of Whittier.

^{1/} See Exhibit "A" on application.

and desire the proposed service. He further alleges that, acting in conjunction with the personnel department of the Douglas Aircraft Company, he has worked out a schedule for the transportation of the employees as hereinafter set forth in this opinion, and that at the present time there is no direct public transportation service between Whittier and the Long Beach plant of the Douglas Aircraft Company, the nearest means of conveyance being from Whittier via Pacific Electric Railway Company bus service to Los Angeles, and from Los Angeles to Long Beach via Pacific Electric Railway Company bus service and local bus service, or from Whittier to Long Beach via Pacific Electric Railway Company on an infrequent schedule, and local bus service from Long Beach to the aircraft company plant, which service is not convenient or practical.

The City of Whittier, the only incorporated city affected, has no objection to applicant's proposal. Interested carriers, including the Pacific Electric Railway Company, Eastern Cities Transit, Inc., Long Beach Motor Bus Company and Long Beach City Lines, Inc., have been served with copies of the application. Pacific Electric Railway Company has indicated it has no objection to the granting of the application. Eastern Cities Transit, Inc. has no objection provided the schedules set forth below are not increased unless it is given an opportunity to protest. Long Beach City Lines, Inc. and Long Beach Motor Bus Company have no objection provided the applicant is restricted against picking up passengers on Route No. 2 having origin or destination between the San Gabriel River and Carson Street, on the one hand, and the Douglas plant, on the other hand. Applicant's attorney has advised the Commission that such restriction is acceptable.

Two routes are proposed to be used (Exhibit "A" on the application). The proposed schedules are as follows:

Route No. 1

Leave Whittier	6:15 a.m.	Arrive Douglas plant	7:00 a.m.
Leave Whittier	2:55 p.m.	Arrive Douglas plant	4:00 p.m.
Leave Douglas plant	4:30 p.m.	Arrive Whittier	5:30 p.m.
Leave Douglas plant	1:30 a.m.	Arrive Whittier	2:15 a.m.

Route No. 2

Leave Whittier	6:15 a.m.	Arrive Douglas plant	7:00 a.m.
Leave Douglas plant	4:30 p.m.	Arrive Whittier	5:30 p.m.

Fares will be \$3 per week, regardless of point of pickup. There will be no single fares.

Applicant alleges that he has three 30-passenger stages with which to perform the proposed service, all of which are free of encumbrances, and he operates his own garage for the repair and maintenance of said buses.

Applicant values his assets at \$27,075, and lists his liabilities as \$9,100.^{2/}

Upon the allegations of the verified application and the amendment thereto, the Commission finds that public convenience and necessity require that the applicant be given the authority granted by the order herein. A public hearing is not necessary.

Dick Rasmussen 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

^{2/} See amendment to the application.

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

The Commission 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 Dick Rasmussen authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the intersection of Whittier Boulevard and Boyer Street, in the City of Whittier, on the one hand, and the Douglas Aircraft Company plant near the City of Long Beach, on the other hand, via Routes Nos. 1 and 2, as described in subparagraph (c) of paragraph 2 of this order, subject to the following conditions and restrictions:

- (a) All passengers carried shall originate at or be destined to the Douglas Aircraft Company plant near the City of Long Beach, California.
- (b) No passengers shall be picked up or discharged between the intersection of Anaheim-Telegraph Road and Rosemead-Lakewood Boulevard, on the one hand, and the Douglas Aircraft Company plant near Long Beach, on the other hand, on Route No. 1.
- (c) No passengers shall be picked up or discharged between the Douglas Aircraft Company plant near Long Beach, on the one hand, and the intersection of the San Gabriel River and Carson Street, on the other hand, on Route No. 2.

- (d) Schedules shall be in conformance with those set forth in the opinion herein, and shall not be changed except upon express authority from this Commission and after notice to all passenger stage corporations and street railroad corporations serving on or near any portion of applicant's herein authorized routes.
- (e) The authority granted herein shall terminate on the effective date hereof unless prior to said effective date applicant shall file with the Commission proof satisfactory to it (1) that he has the insurance required by General Order No. 101, and (2) that all passenger stage equipment to be used in the proposed service conforms in all respects to the requirements of General Order No. 98.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make 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, Dick Rasmussen shall conduct said passenger stage operation over and along the following described routes:

Route No. 1

Commencing at the intersection of Whittier Boulevard and Boyer Street in the City of Whittier; thence via Whittier Boulevard, Painter Avenue, Philadelphia Street, Whittier Boulevard, and Rosemead-Lakewood Boulevard to Douglas Aircraft Company plant, situated on Lakewood Boulevard and Carson Street, returning the same route to point of commencement.

Route No. 2

Commencing at the intersection of Whittier Boulevard and Painter Avenue in the City of Whittier; thence via Whittier Boulevard, Gunn Road, Anaheim-Telegraph Road, Carmelita Street, Imperial Boulevard, Bloomfield Avenue, Rosecrans Boulevard, Pioneer Boulevard and Carson Boulevard to Douglas Aircraft Company plant situated on Lakewood Boulevard and Carson Street, returning the same route to point of commencement.

In the City of Whittier applicant is authorized to turn its motor vehicles 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 twenty days after the date hereof.

Dated at San Francisco, California, this 29th day of September, 1953:

[Signature]
President
JUSTIN J. C. MILLER
[Signature]
[Signature]

Commissioners