

ORIGINAL

Decision No. 52728

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOEL A. WALLACE,
for certificate of public con-
venience and necessity. (Under
Sections 1031-1036 of the
Public Utilities Code).

Application No. 37540

Bertrand B. Bratton, attorney, for applicant. James H. Lyons, for Metropolitan Coach Lines; John Curtis for Los Angeles Transit Lines; and Robert M. Boulden for Terminal Island Transit Co.; protestants. Walhfred Jacobsen and Leslie E. Still, attorneys, for City of Long Beach; Henry E. Jordan for Bureau of Franchises and Public Utilities of the City of Long Beach; W. O. Liebhart and M. Kroman for Department of Public Utilities and Transportation of the City of Los Angeles; interested parties.

O P I N I O N

A public hearing was held in this matter at Los Angeles before Examiner Mark V. Chiesa.

Applicant requests authority to operate a bus service between Los Angeles and the Naval Shipyard located on Terminal Island. The proposed service will be for shipyard workers living along a described route beginning near Adams Boulevard and Central Avenue and terminating at the shipyard.^{1/} The proposed fare is 35 cents one way, or 70 cents round trip. The service will be operated five days per week with a 1944 27-passenger Crown coach having a 1949 Ford V-8 engine. A standby bus will also be available. Applicant has been employed at the shipyard since 1953. He proposes to carry any shipyard employees who do not have their own transportation or a convenient means of public transportation. Present public transportation facilities between the area proposed

^{1/} Applicant's route will serve the same general area as the route proposed by George Seals in Application No. 37577.

to be served and the shipyard consist of a combination ride on the lines of Los Angeles Transit Lines, Metropolitan Coach Lines, and either Long Beach Motor Bus Company or Terminal Island Transit Company. Such transportation is inconvenient, slower, and more expensive than that proposed.^{2/}

Applicant is a mechanic capable of making his own repairs. The principal expenses will be for gas, oil, tires, and insurance premium. Applicant's testimony shows that enough passengers are available to make the operation compensatory.

Protestants contend that patronage will be diverted from their lines and that applicant's proposed service is not necessary because adequate public transportation is now available. The evidence of record does not support their position.

The Commission is of the opinion and finds that the proposed service is in the public interest and, therefore, the application will be granted subject to certain conditions and restrictions as hereinafter set forth.

Joel A. Wallace 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.

^{2/} Total one-way fare, using combination of the present lines, is \$1.04 cash, or approximately 90¢ using tokens and commute tickets, and minimum time en route is approximately one and one-half hours (based on tariffs and schedules on file with this Commission).

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and 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 Joel A. Wallace, an individual, authorizing him to establish and operate as a "passenger stage corporation", as defined in Section 226 of the Public Utilities Code, for the transportation of persons between points and over routes more particularly set forth in Appendix A, attached hereto and made a part hereof, and subject to the conditions and restrictions, if any, set forth in said appendix.

(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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed upon notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98, and provide insurance protection as required by General Order No. 101. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 98 and General Order No. 101, may result in a cancellation of the operating authority granted by this decision.
- (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

(b) Continued -

authorized and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California, this 6th day of March, 1956.

[Signature]
President

Justus J. Cracum

[Signature]

[Signature]

[Signature]
Commissioners

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Dated March 1956
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APPENDIX A

Joel A. Wallace, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport shipyard employees between the intersection of Adams Boulevard and Central Avenue in the City of Los Angeles and the Naval Shipyard situated on Terminal Island, over and along the route hereinbelow described, subject, however, to the authority of this Commission to change or modify said route at any time, and subject to the following restrictions.

- (a) Applicant shall transport only passengers destined to or originating at the Naval Shipyard situated on Terminal Island.
- (b) Applicant shall not pick up or discharge any passengers between Cerritos Channel and the intersection of Olive Street and Wilmington Avenue.

Route:

Beginning at the intersection of Adams Boulevard and Central Avenue, in the City of Los Angeles, thence along Adams Boulevard, San Pedro Street, 25th Street, Maple Avenue, 28th Street, Main Street, 31st Street, Maple Avenue, Woodlawn Avenue, 43rd Street, Avalon Boulevard, 41st Place, McKinley Avenue, 52nd Street, Central Avenue, 53rd Street, Hooper Avenue, 90th Street, Zamora Avenue, 91st Street, Compton Avenue, 92nd Street, Compton Avenue, Imperial Highway, Wilmington Avenue, Carson Street, Alameda Street, Sepulveda Boulevard, and Terminal Island Freeway to shipyards.

Also returning via same route except that between the intersection of Alameda Street and Carson Street and the intersection of Olive Avenue and Wilmington Avenue applicant shall operate along Alameda Street and Olive Avenue.

Applicant is authorized to turn its 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.