

ORIGINALDecision No. 52735

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEORGE SEALS for a certificate of)
 public convenience and necessity to) Application No. 37577
 operate a private passenger bus)
 service between Los Angeles and)
 Long Beach, California.)

George Seals for self. 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

Applicant seeks authority to operate a passenger stage service between Los Angeles and the Naval Shipyard situated on Terminal Island. The proposed route is, generally, along Central Avenue, Wilmington Avenue, Alameda Street and Henry Ford Avenue.^{1/}

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

The evidence shows that shipyard employees do not have convenient public transportation from the area proposed to be served;^{2/} that applicant is employed at said shipyard and will

^{1/} Applicant's route will serve the same general area as the route proposed by Joel A. Wallace in Application No. 37540.

^{2/} Present facilities 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 Co. The one-way fare for such transportation is \$1.04 cash, or approximately 90 cents using token and commute tickets. The minimum time en route is approximately one and one-half hours (based on tariff and schedules on file with this Commission).

transport only persons employed at the said facility; that the fare will be 35 cents one way and 70 cents round trip; that he will operate five days per week, using one vehicle, a 41-passenger 1947 Superior White bus; that applicant proposes to drive his own equipment and when necessary will provide standby service; that the principal items of expense will be gas, oil, tires, insurance, and maintenance; and that the operation will be compensatory in view of the available patronage and the limited character of the service proposed.

Protestants contend that adequate transportation is available, and that certification of applicant's proposal would be financially detrimental to them. The evidence of record does not uphold their position.

The Commission, having considered the matter, finds that applicant's proposed service is in the public interest. The application will be granted.

George Seals 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.

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 George Seals, 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 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.

John E. ...
President

Justin J. ...

George ...

...

...

Commissioners

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Dated March 6, 1956

Application No. 37577

APPENDIX A

George Seals, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport shipyard employees between the intersection of 81st Street and San Pedro Street 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 Central Avenue.

Route:

Beginning at the intersection of 81st Street and San Pedro Street, in the City of Los Angeles, thence along San Pedro Street, Adams Boulevard, Central Avenue, Victoria Street, Wilmington Avenue, 223rd Street, Alameda Street, Henry Ford Avenue to shipyards, and reverse of said route.

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.