

ORIGINALDecision No. 54528

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)
 change the route of a private) Application No. 38643
 passenger bus service between)
 Los Angeles and Long Beach,)
 California.)

O P I N I O N

By Decision No. 52735, dated March 6, 1956, in Application No. 37577, George Seals was granted authority to conduct a passenger stage service between a designated area in the southern section of Los Angeles and the Long Beach Naval Shipyard. This service has been in actual operation since April 1, 1956.

In the instant application authority is sought to extend this service to include an area which was formerly served by one Joel A. Wallace, but which now has no service because Wallace has discontinued operations.

The Board of Public Utilities and Transportation of the City of Los Angeles, under date of January 8, 1957, has approved this application in part by granting a smaller area in Los Angeles than that which was requested. An investigation has been made by the staff of this Commission, and it recommends granting applicant the same territory as was approved by the Board of the City of Los Angeles.

Decision No. 54397, dated January 15, 1957, in Application No. 37540.

There are no other carriers in the area performing a similar type of service. The Los Angeles Transit Lines has advised this Commission that it does not oppose the application provided it is limited to the area approved by the Board of Public Utilities and Transportation of the City of Los Angeles, and provided further that it is limited to a single round trip per day within the service area requested and the Long Beach Naval Shipyard. The entire hauling to be performed by applicant is the transportation of workers to and from the shipyard. It is contended that the additional territory will provide applicant with approximately 12 additional passengers per day, which will apparently be sufficient to make the operations profitable. Furthermore, these additional passengers were formerly transported by Wallace and are now without transportation.

This extended area will not result in any increase in applicant's existing fares and the conditions of operation will be the same as those presently existing.

A consideration of this record leads us to conclude, and we now find, that the proposed service is justified by public convenience and necessity. The application will be granted. A public hearing is not necessary.

George Seals is hereby placed on 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

Application as above entitled having been filed, the Commission being fully advised in the premises and 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 George Seals, an individual, authorizing him to establish and operate as a passenger stage corporation, as that term is 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, as an extension to and enlargement of his existing operating authority.

(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 on 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 on 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 five days after the date hereof.

Dated at San Francisco, California, this 11th day of February, 1957.

John E. Mitchell
President
Robert L. Schreiner
William D. Dole
R. H. Smith
W. L. Fox
Commissioners

George Seals, by the certificate of public convenience and necessity granted in the above-numbered decision is authorized to transport shipyard employees between the area bounded by Adams Boulevard, Central Avenue, Manchester Avenue and Western Avenue in the City of Los Angeles and the Naval Shipyard situated on Terminal Island over and along the route and within the area 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) Service shall be limited to a single round trip per day.
- (c) Applicant shall not pick up or discharge any passengers between Cerritos Channel and the intersection of Olive Street and Central Avenue.

Route:

Beginning within the area bounded by Adams Boulevard, Central Avenue, Manchester Avenue and Western Avenue, thence via Central Avenue, Artesia Boulevard, Alameda Street and Henry Ford Avenue to the Naval Shipyard, 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.

End of Appendix A

Issued by California Public Utilities Commission.

By Decision No. 54528, Application No. 38643.