

Decision No. 19739

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MOTOR TRANSIT COMPANY for an order
authorizing it to operate over an
additional or alternative route in
its stage operation between Gilman's
Hot Springs and Soboba Hot Springs, and
(2) for authority to merge said operation
with the operation of applicant's Eastern
and Southern Divisions.

ORIGINAL

Application
No. 14591

BY THE COMMISSION -

OPINION and ORDER

Motor Transit Company, a corporation, which operates automotive passenger stages in Southern California, has applied to the Railroad Commission for a certificate of public convenience and necessity to operate an automotive passenger and express service between Gilman's Hot Springs and Soboba Hot Springs and to merge and consolidate said proposed operation with the operations of its Eastern and Southern Divisions.

The certificate is sought to enable applicant to take advantage of the construction of a new road between the points named which are already served by Motor Transit under authority of the Commission. It is not proposed to abandon the route now being used but to operate over the proposed new route as an additional or alternate service in accordance with the requirements of the traveling public. No change in fares is contemplated. The new route will result in a saving of approximately 2.4 miles per one way trip and will, in addition, through avoidance of flood conditions on the San Jacinto River, enable applicant to give year-round service to Soboba Hot Springs.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

Motor Transit Company is hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. 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.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Motor Transit Company, a corporation, of an automotive passenger and express service between Gilman's Hot Springs and Soboba Hot Springs and intermediate points over and along the new highway commencing at the junction of Woothill Road and Gilman's Hot Springs road in Riverside county and extending in a general southerly direction to Soboba Hot Springs, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Motor Transit Company, a corporation, and

IT IS HEREBY FURTHER ORDERED that authority to merge and consolidate said operating right with the operating rights of the Eastern and Southern Divisions of said Motor Transit Company be and the same is hereby granted, subject to the following conditions:

1. That the service herein authorized shall be conducted under the rates and rules and regulations of Motor Transit Company now on file with the Railroad Commission and covering service to Soboba Hot Springs, and shall be operated as an alternative or additional service as part of and in conjunction with Motor Transit Company's existing Eastern and Southern Division rights.

2. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

4. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of May, 1928.

Leon Whitall

C. J. Harvey

Emmanuel

Thos. D. Lockett

W. J. Linn
COMMISSIONERS.