

Decision No. 18960

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DENNIS PETTAS for certificate of)
 public convenience and necessity to) Application No. 14751
 operate passenger service between)
 Pittsburg and vicinity.)

Hugh H. Donovan and Wade W. Moore for Applicants.

BY THE COMMISSION -

O P I N I O N

Dennis Pettas has made application to establish passenger auto stage service between Third and Railroad Streets, in the City of Pittsburg, and the Pittsburg High School, four-tenths of a mile south of the City Limits in Contra Costa County, a distance of 1.3 miles.

A public hearing herein was conducted by Examiner Williams at Pittsburg.

Applicant proposes three daily schedules each week day with a one way fare of 5 cents and no other rates. The schedules are made convenient to the school hours and to suit the needs of teachers and students. Applicant, however, will not limit his service to scholastic patrons. He now operates under the authority of this Commission other similar service between Pittsburg and some larger industries.

Fred S. Ramsdell, Principal of the High School, explained that the school district will not provide busses for the 300 or more expected to enroll before August 27, 1928, when the buildings will be first used. The teaching staff numbers 16. It was his opinion that the service is needed and will be used by students and teachers and other patrons of the general public. As he pointed out that this need would not exist during vacation periods, applicant asked leave to amend his offer by discontinuing service when school is not in session and such leave was granted. Applicant also

received leave to amend his time schedules, if deemed necessary, to suit school hours and periods.

Applicant has four safety coaches, one of which with 33 passenger capacity will be used in the service, and another if necessary.

The application was not opposed by other operators, some of whom were present at the hearing.

We believe the record affirms the need of the service proposed and that a certificate therefor should be granted.

Dennis Pottas 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.

O R D E R

Dennis Pottas having made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto stage passenger service between Pittsburg and the Pittsburg High School, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of a common carrier auto stage passenger service between Pittsburg and Pittsburg High School (except during vacation periods) over and along the following route:

From the intersection of Third and Railroad Streets in the City of Pittsburg south in and along Railroad Street to an unnamed street leading to the Pittsburg High School and returning over the same identical route; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject

to the following conditions:

- 1- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 2- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the 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 him under a contract or agreement on a basis satisfactory to the Railroad Commission.
- 5- The order herein shall not be construed as authority to link up or join the operating right herein granted with rights now owned by applicant.

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 29th day of

June, 1928.

C. Seavey

W. M. ...

Thos. D. ...

W. J. ...
Commissioners.