

Decision No. 20548

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Union Pacific Stage Company, a corpor-
 ation organized under the laws of the
 State of California, for a certificate
 of convenience and necessity authorizing
 it to extend a motor bus service in
 Death Valley, Inyo County, California.

)
)
) Application
) No. 15205
)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

In this application Union Pacific Stage Company, a corpor-
 ation, asks for authority to discontinue service over a part of
 the route it was authorized to operate an automotive passenger
 stage service by an order of the Railroad Commission issued on
 Application No. 13474, to extend its service to a point described
 as Salt Pools and to file with the Commission new tariffs and time
 schedules covering the service proposed herein.

Applicant declares that operation for two seasons has
 shown that the service given to the north beyond Harmony Borax
 Works has not proved attractive because of the similarity of the
 territory between the Borax Works and Salt Creek Crossing, present
 terminal of the route, with the rest of the route, with no added
 features of interest to tourists and the general traveling public.
 In the new territory proposed to be served beyond (south of)
 Devils Golf Course are what are described as "Salt Pools", a point
 of scenic interest, but recently discovered.

The tariff changes proposed are of minor importance, with
 little effect on the traveling public.

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.

Union Pacific Stage 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.

IT IS HEREBY ORDERED that Union Pacific Stage Company be and it is hereby authorized to discontinue operation of its automotive passenger stage service between Harmony Borax Works and Salt Creek Crossing and intermediate points, and

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Union Pacific Stage Company of an automotive stage service for the transportation of passengers and baggage between Devils Golf Course and Salt Pools and intermediate points, and

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Union Pacific Stage Company, a corporation, subject to the following conditions:

1- That the service herein authorized shall be operated from November 1st of each year to April 30th of each year in connection with and as part of the service now being conducted by the applicant herein; that the certificate of public convenience and necessity herein granted shall not be considered as a separate operating right but as an extension of the right now held by applicant.

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- 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 thirty (30) days from the date hereof.

4- 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.

5- 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 3rd day of December, 1928.

Leon Whittell

Chase

Thos D. Lewis

W. A. C.
COMMISSIONERS.