

Decision No. 21262

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MT. LASSEN TRANSIT COMPANY,)
a corporation, for a certificate of)
public convenience and necessity to)
operate a transportation company for)
the carriage of passengers, baggage,)
freight and express between Crescent)
Mills, California, and Paxton, Calif-)
ornia, and intermediate points; and)
to consolidate same with the existing)
lines of the Mt. Lassen Transit Com-)
pany.)

Application No. 15566

ORIGINAL

Harry A. Encell, for Applicant

BY THE COMMISSION:

O P I N I O N

Mt. Lassen Transit Company, a corporation, has made application for a certificate of public convenience and necessity to extend its auto stage and freight operations between Susanville and Quincy from the intermediate point of Crescent Mills to Paxton, a distance of five miles, and to merge and consolidate such certificate with its system.

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

Applicant proposes the extension because a new highway has been constructed on the north side of Feather River, with easy grades and advantages in winter operation. In addition, changes in the time schedules of Western Pacific trains have made Paxton, as well as Keddie, regular stops for trains Nos. 3 and 4, serving locally between San Francisco and Salt Lake

City. Connection with these trains has heretofore been made at Keddie, a point on applicant's Susanville-Quincy line, four miles south of Crescent Mills. The connection is the gateway for Mt. Lassen National Park, Westwood, Lake Almanor and other points, many of which are not served by railroad.

According to the testimony of James C. Kennedy, Superintendent of applicant company, the hotel accommodations at Paxton are superior to Keddie, also, the road from Crescent Mills to Paxton is much safer, as the road from Crescent Mills to Keddie has dangerous grades and turns and is unusually hazardous in rainy and winter weather, being on the south side of the canyon. While this road will still be used by applicant with its daily operation between Crescent Mills and Quincy, smaller and safer equipment will be used.

The service proposed between Crescent Mills and Paxton will connect the westbound evening Western Pacific service and the eastbound morning service. Other schedules of the Western Pacific receive or discharge only passengers to or from points, Salt Lake City and easterly. The rates now established for Keddie will be adopted for Paxton.

The proposed new operation will parallel the daily rail service of Indian Valley Railroad. This carrier, however, did not appear to protest the granting of the application as proposed.

The record discloses that the new operation is desirable, not only because of public need, but because of greater safety. An order granting the certificate will be entered.

Mt. Lassen 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.

ORDER

Mt. Lassen Transit Company, a corporation, having made application for a certificate of public convenience and necessity to operate automobile stage service for the transportation of passengers, baggage, express and freight between Crescent Mills and Paxton, and to merge and consolidate the same with its system; 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 and operation of automobile stage service for the transportation of passengers, baggage, express and freight between Crescent Mills and Paxton, and all intermediate points, over and along the following route:

Via County highway between Crescent Mills and Paxton
on the north side of Feather River Canyon;

and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to MT. LASSEN TRANSIT COMPANY, a corporation, subject to the following conditions:

1. Applicant shall file its 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 it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS FURTHER ORDERED that the certificate herein granted be, and the same hereby is, consolidated with the certificate heretofore granted for an operation between Susanville and Keddie by Decision No. 14737 on Application No. 10948, and as said certificate has been merged or consolidated with other certificates of applicant, particularly Decision No. 19032 on Application No. 13797 and Decision No. 19177 on Application No. 14077.

IT IS HEREBY FURTHER ORDERED that the authority to consolidate and merge the right herein granted with the rights now owned by Mt. Lassen Transit Company, as described in the order herein, shall be construed only as authority to publish rates and charges between all points served under authority of the certificates of public convenience and necessity already granted and to operate through motor stages between any of said points, no authority being conveyed for the operation of any lesser service than that authorized by the certificate granted herein, or heretofore granted.

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 20th day of June, 1929.

Paul L. ...

C. ...

Leon ...

M. A. ...
Commissioners.