

Decision No. 21468

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JAMES W. TAYLOR for certificate of public convenience and necessity to operate an automotive passenger and freight line service as a common carrier between Harrison Gulch, Shasta County, California, and Hayfork, Trinity County, California, inclusive, and intermediate points.

Application
No. 15767

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

This is an application by James W. Taylor for a certificate of public convenience and necessity to operate an automotive service for the transportation of passengers and freight between Harrison Gulch (Knob Post office), Shasta county, and Hayfork, Trinity county, and intermediate points, via Wildwood, following the new Hayfork Creek highway. Applicant is now operating a similar service between Redding and Harrison Gulch and intermediate points and the granting of the certificate prayed for herein will extend said service to Hayfork.

Applicant proposes to charge fares and rates in accordance with Exhibit marked Exhibit "A" and to give service daily, except Sunday, in accordance with Exhibit "B". Both exhibits, as well as Exhibit C, the latter showing equipment proposed to be used, are attached to the application herein and made a part thereof.

There are no common carriers operating over the proposed route between Harrison Gulch and Hayfork except Pickwick Stages System and Samuel Jackson who operate over part of the road. They, with Allen & Linville, operating between Redding and Bieber; L.T. Alward, operating between Redding and Weaverville and H.P. Conner, operating between Lewiston and Minersville, have advised the Commission, in writing, that they will not oppose granting of

the application. Supporting the application is a petition signed by 71 residents of the territory proposed to be served.

Under the circumstances 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.

James W. Taylor 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 James W. Taylor of an automotive service for the transportation of passengers and freight between Harrison Gulch (Knob Post Office) Shasta County, and Hayfork, Trinity county, and intermediate points, via Wildwood, using the new Hayfork Creek highway, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to James W. Taylor, subject to the following conditions:

1- The certificate issued herein is granted as an extension of applicant's Redding-Harrison Gulch right and not as a separate right.

2- Applicant shall file his 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 sixty (60) 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 him 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 20th day of August, 1929.

Thos D. Loutin

C. J. Seamy

Leon Whitell

M. J. Cum
COMMISSIONERS.