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Decision No. 21832

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WEBSTER TRANSPORTATION COMPANY for a certificate of public convenience and necessity to operate a bus and passenger service line as a common carrier, between the Ventura Avenue Oil Field and the limits of the City of San Buenaventura; also between the easterly limits of the City of San Buenaventura and what is commonly known as and called the Chrisman Tract area, and further to operate the same service between the easterly limits of the said city and what is commonly known as and called the Pierpont Bay District.

ORIGINAL

Application
No. 15934

Sheridan, Orr, Drapeau & Gardner,
by Robert M. Sheridan, for Applicant.

James C. Hollingsworth, for H. M. Hunt,
Proprietor, Ojai-Ventura Stage Line, Protestant.

Paul Derkum, Proprietor, Derkum Stage Line,
Interested party.

BY THE COMMISSION -

O P I N I O N

H. Bay Webster and M. L. Webster, partners in business and operating under the fictitious name of Webster Transportation Company, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers between the Ventura Avenue Oil Field and the city limits of the City of San Buenaventura; and by supplemental petition for an order declaring public convenience and necessity require the operation of an automobile stage line between the easterly city limits of the City of San Buenaventura and what is commonly known as the Chrisman Tract area, and also between the easterly city limits of the City of San Buenaventura and the district commonly known as the Pierpont Bay District.

A public hearing on this application was conducted by Examiner Sandford at Ventura, the matter was duly submitted and is now ready for decision.

Applicants now operate a bus service in the city of San Buenaventura and the application herein contemplates the furnishing of service from the northerly city limits to the Ventura Avenue Oil Fields, a distance of approximately 2.2 miles; from the easterly limits of the City of San Buenaventura to a station in the Chrisman Tract, a distance of approximately .8 of a mile; and from the easterly limits of the city of San Buenaventura to a station in the Pierpont Bay section, a distance of approximately .2 of a mile.

Applicants propose rates in accordance with schedules marked Exhibit A, as attached to the application and supplemental application; and to operate half-hourly service between the hours of 6:15 A.M. to 11:45 P.M. to the Ventura Avenue Oil Fields, and hourly service to the subdivision known as the Chrisman Tract and Pierpont Bay section, more frequent service to be established whenever justified by the demands of traffic. The equipment proposed to be used consists of two standard Fageol Safety Coaches, and such additional buses as may be necessary to adequately care for the transportation of all persons desiring to use the proposed service.

M. L. Webster, for applicant partnership, testified that local service in the city of Ventura had been operated since April 26, 1926, operation having been conducted entirely within the municipal boundaries of such city; that constant and increasing requests had been made for the establishment of the extension of service to the Ventura Avenue Oil Fields, as well as to serve the 400 residents of the Pierpont Bay district and the 300 residents of the Chrisman Tract; that the partnership was financially able to satisfactorily conduct the operation of the proposed extensions and to provide adequate equipment for the needs of the traveling public.

C. L. La Force, Chief Clerk for Shell Oil Company; J. P. Mc Goach, Chief Clerk for Standard Gasoline Co., operating on Associated Oil Company lease; B. B. Jenkins, business manager and Secretary of Oil Workers' Union, and J. J. O'Neil, employed as a foreman with one of the oil companies, all testified in behalf of the applicants and in favor of the establishment of the proposed service to the Ventura Avenue Oil Fields. It appears from the testimony of these witnesses that approximately 1500 men are employed by the various companies operating in this field; that there is no available public transportation to Ventura where practically all the employees reside; that there has for some time existed a need for a service such as herein proposed; that parking facilities are limited in the oil fields; and that the proposed service would enable a saving to be made by some of the oil companies who now are obliged to furnish office help and others of their employees with transportation to and from Ventura.

It appears clearly from the record herein that the proposed service between Ventura and the Ventura Avenue Oil Fields will furnish transportation to a considerable number of office, refinery and other oil company employees, and that the character of service herein proposed by applicants will be adequate and satisfactory, there being now no public transportation service available for the use of those employed or having business with the various oil companies located in this district.

R. E. Rose, residing in the Pierpont Bay District and employed by the Ventura Title and Abstract Company, testified regarding the need for public transportation to the Pierpont Bay district and the Chrisman Tract. Both these communities are fast growing suburban districts of Ventura, there being about 1700 residences in the Pierpont Bay district. The establishment of the proposed extensions would be of material benefit to the inhabitants of both tracts, especially for the use of children attending school in Ventura. By stipulation, it was agreed that the testimony of

Raymond F. Wheeler and F. L. Eakin, both residents of the Pierpont Bay district, would be substantially the same as that of witness Rose.

D. J. Reese, President of the Ventura Chamber of Commerce, testified in behalf of applicants. This witness stated that the local service heretofore given by applicants in the city of Ventura had been very satisfactory and was increasing in popularity, that there was a decided need for the proposed service, and that his Chamber of Commerce informally had endorsed the proposal of applicants.

Based on the record herein, and as there is no protest against the granting of the application or other existing transportation system which would be adversely affected, we are of the opinion that applicants have justified the granting of the application and that the desired certificate should be granted.

H. Bay Webster and M. L. Webster, partners in business operating under the fictitious name of Webster Transportation Company, are 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

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by H. Bay Webster and M. L. Webster, partners in business operating

under the fictitious name of Webster Transportation Company, of an automobile stage line as a common carrier of passengers over the following described routes:

From the northerly boundary of the City of San Buenaventura northerly along Ventura Avenue to the office of Shell Oil Company, a distance of approximately 2.2 miles and returning by the reverse of the above described route, and

Commencing at the easterly city limits of the City of San Buenaventura at the intersection of Thompson Boulevard, East Main Street and Telegraph Road, thence over and along said Telegraph Road to its intersection with Dunning Street in the Chrisman Tract in the County of Ventura, a distance of approximately 0.8 of a mile, and returning by the reverse of the above mentioned route, and

Commencing at the southerly limits of the City of San Buenaventura with Vista del Mar Drive, thence easterly along said Vista del Mar Drive to Seaward Avenue, and southwesterly along said Seaward Avenue to a terminus in Pierpont Bay subdivision in the County of Ventura, a distance of approximately 0.2 of a mile, and returning via the reverse of the above described route, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to H. Bay Webster and M. L. Webster, partners in business operating under the fictitious name of Webster Transportation Company, for the operation of an automobile stage service as a common carrier of passengers over the routes as herein specifically set forth in the foregoing declaration, subject to the following conditions:

1- Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

2- Applicants 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.

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 applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 26th day of

November, 1929.

Thos D. Lott

P. C. Seavey

Ernesto

Leon Whitely

W. J. Cain
COMMISSIONERS.