

Decision No. 22271

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. W. CUSTER for a certificate of
public convenience and necessity to
operate motor truck service between
Petaluma, California, and Camp
Meeker, California. }
Application
No. 16395

BY THE COMMISSION -

ORIGINAL

OPINION and ORDER

This is an application by A. W. Custer for a certificate of public convenience and necessity to operate an auto trucking service for the transportation of express of Railway Express Agency, Inc., between Petaluma and Camp Meeker and specifically named intermediate points.

Applicant proposes to charge rates in accordance with the tariffs of Railway Express Agency, Inc., now on file with the Railroad Commission and to operate on a time schedule, a copy of which is attached to the application herein and made a part thereof. Such equipment as is necessary will be provided by Railway Express Agency, Inc.

The certificate is sought to enable applicant to perform for Railway Express Agency, Inc., the service performed by that company in connection with the operation of the trains of the Northwestern Pacific Railroad Company between Point Reyes and Camp Meeker, which trains are to be withdrawn on or after April 1, 1930.

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. Therefore,

A. W. Custer 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 requires the operation by A. W. Custer of an auto trucking service for the transportation only of property delivered to him by Railway Express Agency, Inc., between Petaluma and Camp Meeker and the intermediate points of Tomales, Marshall, Fallon, Valley Ford, Bodega Roads and Occidental, and

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

1- That the route to be followed shall be as follows:

Starting at Petaluma, via Two Rocks, west to Tomales, south through Camp Pistolesi, Hamlet and Mc Donald, to Marshall, returning north from Marshall via Tomales to Fallon, Valley Ford, Bodega Roads, Freestone and Occidental, to Camp Meeker.

2- That the service to Camp Meeker shall be seasonal, that is, during the summer season.

3- That operation shall be started only if and when trains are withdrawn by Northwestern Pacific Railroad Company.

4- That no service shall be given to off-highway points.

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

6- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, time schedules identical with those attached to the application herein, or time schedules satisfactory to the Railroad Commission, and shall commence operation of said service upon the withdrawal of service herein described by Northwestern Pacific Railroad Company.

7- 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.

8- 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 1st day
of April, 1930.

C. Seaver

Leon A. Whipple

Thos B. Lott

W. J. Carr
COMMISSIONERS.