

Decision No. 23650**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 T. J. HENDERSON for certificate of  
 public convenience and necessity to  
 operate automobile bus service, as  
 a common carrier, between Redwood City,  
 Canyon Sanitarium, Emerald Lake and  
 intermediate points.

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 ) Application  
 ) No. 17319  
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 )

BY THE COMMISSION -

OPINION

In this application T. J. Henderson requests authority to establish service as a common carrier of passengers, baggage and express between Redwood City, Canyon Sanitarium and Emerald Lake and intermediate points.

The applicant maintains that the following conditions exist which are relied upon as justification for the granting of a certificate of public convenience and necessity:

That the Emerald Lake district, lying just west of Redwood City, California, has no adequate, nor in fact, any service whatsoever. That there are many San Francisco commuters living in this district who make daily trains from the station at Redwood City, California, and who would patronize this bus service if the present application is granted. That there are a number of patients and employees at Canyon Sanitarium and many visitors to patients who are forced at the present time to operate their own automobiles or use taxi service for Redwood City. That it would be convenient for the employees of the Sanitarium as well as the visitors to the Sanitarium to have a bus service in daily operation.

From the facts as set forth by the applicant it seems that public convenience and necessity require the contemplated service and an order therefor will accordingly be entered.

There being no competitive service involved in this territory, the Commission is of the opinion that a public hearing is not necessary.

Applicant Henderson is notified that "operative rights" do not constitute a class of property which may 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by T. J. Henderson of an automotive service as a common carrier of passengers, baggage and express between Redwood City, Canyon Sanitarium and Emerald Lake and intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor is hereby granted, subject to the following conditions:

1. That the transportation of express shall be confined to the applicant's passenger stages, no single package to weigh in excess of fifty (50) pounds.
2. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
3. Applicant shall file in duplicate and make effective within a period of not to exceed thirty (30) days from the date hereof a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules, which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.

4. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof time schedules, covering the service herein authorized, in a form satisfactory to the Railroad Commission.

5. 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.

6. 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 4<sup>th</sup> day of May, 1931.

C. Seaver  
Leon O'Whiskey  
W. A. Cunn  
W. B. Harris  
Fred G. Bennett  
COMMISSIONERS.