

Decision No. 23248

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 PACIFIC GREYHOUND LINES, INC., a )  
 corporation, for a certificate of )  
 public convenience and necessity )  
 authorizing the transportation of )  
 passengers, baggage and express between )  
 Benicia and Martinez. )

Application  
 No. 17789

BY THE COMMISSION -

OPINION and ORDER**ORIGINAL**

This is an application by Pacific Greyhound Lines, Inc. for a certificate of public convenience and necessity authorizing it to operate an automobile service for the transportation of passengers, baggage and express between Martinez and Benicia, via Martinez-Benicia Ferry. The fares and rates proposed to be charged and the service proposed to be given are shown in Exhibits B and C, attached to the application herein.

Applicant is now serving between Martinez and Benicia via Crockett. At a recent city election held in Benicia the voters expressed a preference for the ferry route and Southern Pacific train connections at Martinez, instead of at Crockett.

It is proposed to operate the service for an experimental period of six months, and to operate it under the rules and regulations in force over the general Greyhound system, subject to the restrictions as to express set forth in the Commission's order in Decision No. 23244. Rates and charges to and from all points on its system to and from Benicia will be published.

This appears to be a matter in which a public hearing is not necessary. It is our opinion the application should be granted subject, however, to the provision that if the service does not prove satisfactory at the termination of the six months trial period applicant may file a supplemental petition herein requesting authority to abandon the service or for such other orders of the Commission as may be deemed necessary or required by public convenience and necessity.

Pacific Greyhound Lines, Inc. 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 Pacific Greyhound Lines, Inc. of an automotive passenger stage service for the transportation of passengers, baggage and express between Martinez and Benicia, via Martinez-Benicia Ferry, and

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

- 1- That the operation shall be performed under the rules and regulations and subject to the limitations on express in force over the general system of applicant.
- 2- That applicant shall, within fifteen (15) days, file an acceptance of the certificate herein granted.
- 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 exhibits 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 it 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 30th day of November, 1931.

C. C. Deany  
Leon Whipple  
M. J. C...  
M. B. ...  
Fred G. ...  
COMMISSIONERS.