

Decision No. 24384.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of W.E. PIMENTEL, doing business  
under the fictitious name and  
style of NORTH SACRAMENTO STAGE  
LINE, for a certificate of public  
convenience and necessity to operate  
an automotive passenger stage service  
over and along Rio Linda Boulevard  
from 9th Street and Arcade Boulevard  
to Rio Linda and intermediate points,  
thence along Dry Creek Road to Haggin  
Oaks Store, and thence along Del Paso  
Boulevard to North Sacramento; to  
consolidate the existing operative  
rights of applicant and the operative  
right herein sought; and to abandon  
service between Ben Ali and Del  
Paso Park.

Amended  
Application  
No. 17773

Harry A. Encell for Applicant.

BY THE COMMISSION:

O P I N I O N

W.E. Pimentel operating under the fictitious name of North Sacramento Stage Line has made application to extend his passenger service from Haggin Oaks Store to Rio Linda and, also to discontinue and abandon service between Ben Ali and Del Paso Park.

A public hearing was conducted by Examiner Kennedy at Sacramento on December 30, 1931, the matter was duly submitted and now is ready for decision.

Applicant now operates between Sacramento and various points north by virtue of Decision No. 12343 on Application No. 9183 dated July 13, 1923. The extension to Rio Linda is sought by reason of the permission granted by this Commission to Sacramento Northern Railway to eliminate its local service between Sacramento and Elverta. Applicant's present proposal is to establish morning and evening schedules as far as Rio Linda which in effect replaces

**ORIGINAL**

the service discontinued by Sacramento Northern.

Applicant also seeks authority to discontinue that portion of his operation between Ben Ali and Del Paso Park for the reason, as he testified, that only six passengers have been transported by him between these points in the last six months due to the fact that more direct and more frequent service is provided to the community of Del Paso Park by River Auto Stages and Pacific Greyhound Lines. No one appeared in protest for the discontinuance of this portion of the service.

Sacramento Northern Railway filed written consent to the extension to Rio Linda but limited consent to the establishment of morning and evening schedules but at no other times. Because of this limitation a hearing was held but Sacramento Northern did not appear nor support its proposed restriction. In view of this the Commission must require from applicant herein under certificate granted in this proceeding full service at all times when public need requires and he will not be limited to morning and evening schedules.

The extension proposed by applicant serves a suburban residential district with an approximate population of 3000, the farthest point from Sacramento being a distance of 12½ miles. Applicant proposes to extend his service from Haggin Oaks Store westerly via Los Robles and Nogales Avenue to Rio Linda Boulevard, thence north to Rio Linda, thence east and south on Dry Creek Road to its junction with Grand Avenue, thence returning via either Rio Linda Boulevard or via Marysville Road to Arcade Boulevard and thence over Del Paso Boulevard to Sacramento. Applicant also proposes to divert westerly via Rio Linda Boulevard to where it turns north as an extension of 9th Street to Arcade Boulevard and form a junction with the operation via Rio Linda Boulevard to Rio Linda. Applicant proposes to establish a loop service under schedules filed by him by which accessible transportation will be

provided not only along the line of the Sacramento Northern Railway as far as Rio Linda but easterly and southerly via Dry Creek Road.

That this service will meet the demands of those living in that neighborhood was testified to by John E. Edlund a resident on Dry Creek Road. He stated that he and his neighbors visit Sacramento almost every day, many of them daily because of their employment in the city, and that the service is needed not only because of the cessation of rail line schedules but because of the fact that the residences of many of those employed in the city are far removed from the electric line.

There appears no reason why the application should not be granted. Applicant asks that the extended service be consolidated with the service authorized previously. It is our belief that public interest will be best served by the issuing of a certificate in lieu of all previous grants putting him in a position to readjust his service as growth of population in the area demands. There also appears no reason why he should maintain the meagerly patronized service between Ben Ali and Del Paso Park.

W.H. Pimentel 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.

O R D E R

W.H. Pimentel having made application to extend his present passenger stage service between Haggin Oaks Store to Rio Linda and to abandon all service between Ben Ali and Del Paso Park, a public hearing having been held the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of auto stage service as a common carrier of passengers between Sacramento and Haggin Oaks Store and Rio Linda via Del Paso Heights and Robla, and all intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to W.H. Pimentel in lieu of all rights previously held by said applicant for such service as authorized by Decision No. 12343 on Application No. 9183 dated July 13, 1923 or otherwise over and along the following route:

Beginning at 5th and I Streets in the City of Sacramento, thence via I and J Streets, thence via J to 12th Street, thence following Del Paso Boulevard through North Sacramento and north to Haggin Oaks Store thence west via Los Robles to Marysville Road, thence north via Marysville Road to Nogales Avenue, thence west via Nogales Avenue to Rio Linda Boulevard, thence north via Rio Linda Boulevard to Rio Linda thence east and south via Dry Creek Road to Grand Avenue thence east via Grand Avenue to Marysville Road, thence south on Marysville Road to Arcade Boulevard, thence east on Arcade Boulevard to Del Paso Boulevard, thence returning southerly over Del Paso Boulevard to Sacramento, or

Leaving Del Paso Boulevard at North Sacramento and westerly and northerly via Rio Linda Boulevard (as extended from 9th Street) northerly to Nogales Avenue or to Rio Linda and returning either by Dry Creek Road or by reversing the route stated, also

Via Arcade Boulevard between its junction with Rio Linda Boulevard and Ben Ali; and Nogales Avenue between Rio Linda Boulevard and Marysville Boulevard, also

Grand Avenue between its junction with Rio Linda Boulevard and Marysville Boulevard; with the privilege of applicant arranging his schedules best to meet public need over any or all of the highways above named and

Subject to the following conditions:

- 1- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof stipulating therein that said certificate is accepted in lieu of all previous rights and that such previous rights shall be of no further force and effect.
- 2- 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.
- 3- 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.
- 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 11<sup>th</sup> day of

January 1932.

C. J. [Signature]  
Leon [Signature]  
[Signature]  
M. B. [Signature]  
John G. [Signature]  
COMMISSIONERS.