

Decision No. 24598.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
(1) H.R. Chapman and W.R. Carty for)
certificate of public convenience)
and necessity to operate (2))
passenger and freight and express)
service as a common carrier between)
Needles, California and Earp,)
Vidal and Whipple Mt., California.)

Application
No. 17967.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

H.R. Chapman and W.R. Carty, copartners, have made application for a certificate of public convenience and necessity to operate passenger, freight and express service as a common carrier between Needles and Earp, Vidal and Whipple Mt., California. The distance between termini is approximately 80 miles and applicants propose schedule of rates as shown in Exhibit "A" which appear to be reasonable for the service proposed.

Passenger service is to be daily except Sunday in each direction and freight service is to be on schedule on Mondays, Wednesdays and Fridays. The operation is to be conducted over the San Bernardino County highway from Needles to Vidal with an eastern extension over the county highway to Earp (across the Colorado River from Parker, Arizona) and thence northeast to Whipple Mountain where a large camp working on the intake of the Los Angeles Metropolitan Water District Aqueduct is being established. Applicants anticipate a considerable volume of freight and passengers from Needles which is served by the Atchison, Topeka & Santa Fe Railway, particularly to the aqueduct camp.

Needles, Vidal and Earp are served by the Atchison, Topeka & Santa Fe Railway but service from Needles to the other points is accomplished by westward movement to Cadiz and thence

southeast over the Parker Branch of the Santa Fe to Vidal and Eary. The distance by such routing is approximately 153 miles. It is apparent that the service proposed by applicants with connection at the Santa Fe main line terminal at Needles will not only shorten the distance by almost half that of rail but will conserve a large amount of time especially in serving the aqueduct intake camp eight miles beyond Eary which is not served by any carrier. No other carrier except the Santa Fe Company is interested and this carrier has advised the Commission that it has no protest to present on the service proposed to be established.

Applicants propose to use seven passenger sedans and to add such other equipment as may be necessary for passenger transportation. Freight service is proposed with one truck and additions to equipment will be made if the traffic justifies. Applicants appear to be financially able to establish and maintain adequate operation.

This appears to be a matter in which a public hearing is not necessary and that the application should be granted.

H.R. Chapman and W.R. Carty are hereby placed on 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

H.R. Chapman and C.R. Carty, copartners, having made application to establish passenger, freight and express service as a common carrier between Needles and Eary, Vidal and Whipple Mt;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the estab-
lishment of service between Needles and Whipple Mountain serving
intermediately Vidal and Earp and all intermediate points for the
transportation of passengers, freight and express over the San
Bernardino County highway to Vidal and thence by county highway
to Earp and via road following Colorado River to aqueduct intake
to Whipple Mountain; and

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

- 1- The certificate herein granted is for the trans-
portation of passengers, freight and express,
express being packages weighing not more than 100
pounds each and to be transported only on the
passenger vehicles and freight being other property
transported only upon trucks provided therefor.
- 2- Applicants shall file their written acceptance of
the certificate herein granted within a period of not
to exceed fifteen (15) days from date hereof.
- 3- Applicants shall file, in duplicate, and make
effective within a period of not to exceed thirty (30)
days from the date hereof, on not less than ten days'
notice to the Commission and the public 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- Applicants shall file, in duplicate, and make
effective within a period of not to exceed thirty (30)
days from date hereof, on not less than five (5) days'
notice to the Commission and the public, time schedules,
according to form provided in General Order No. 83,
covering the service herein authorized, in a form satis-
factory 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 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.

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 21st day of

March 1932.

Clarence

Leon

M. A. Lee

M. B. Harris

Fred G. Stewart

COMMISSIONERS.