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Decision No. 24623 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
PACIFIC GREYHOUND LINES, INC., a
corporation, for a certificate of
public convenience and necessity be-
tween Whisman Road Junction and Sunnyvale
Dirigible Base and between Mountain View
and Sunnyvale Dirigible Base, and for
consolidation of said operative rights
with its existing operative rights
within the State of California granted
under Decision No. 23244 and supplements
thereto.

Application No. 17945.

ORIGINAL

H. C. Lucas, for the Applicant.

H. W. Hobbs, for the Southern Pacific Railroad
Company.

BY THE COMMISSION:

OPINION AND ORDER

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 San Francisco and Sunnyvale Dirigible Base near Mountain View. The fares and rates proposed to be charged and the service proposed to be given are shown in Exhibits A and B, attached to the application herein.

Applicant is now serving between San Francisco and Mountain View, which latter point is approximately one and one-half miles from the Naval Air Station, Sunnyvale, California. This appears to be a matter in which the public is vitally interested as there is at present no public transportation service from the City of Mountain View to the new Naval Base.

At the hearing held before Examiner Johnson at Mountain View on March 11th, 1932, there were present representatives of the City of Mountain View, Mountain View Chamber of Commerce

and the United States Navy. The Commandant of the Post testified and there were two letters introduced from Rear Admiral Cole, Commandant of the Naval District, asking that a public transportation system be inaugurated. There were no protests filed, although the Southern Pacific Railroad representatives present wanted it understood that the railroad company desired the stage company be required to furnish transportation from the Southern Pacific Company depot at Mountain View. The testimony of the applicant showed that the applicant would stop at the railroad depot and furnish local transportation thence to the Air Base.

It is our opinion that the application should be granted, good cause having been shown that public convenience and necessity require this transportation service petitioned for herein. There are no other applications to furnish such service nor any protest to this application.

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 of an automotive passenger stage service for the transportation of passengers, baggage and express between Whisman Road Junction and Sunnyvale Dirigible Base and between Mountain View and Sunnyvale Dirigible Base, and over the following highway routes:

"From Mountain View and Sunnyvale and intermediate points to Sunnyvale Dirigible Base via Whisman Road and/or Moffat Boulevard;"

and that said certificate and route be consolidated with applicant's present certificate and routes heretofore granted by Decision No. 23244 and supplements thereto.

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

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant 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.
3. Applicant 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 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 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 29th day of

March, 1932.

C. C. Jensen
Leon Whitely
W. B. Cairns
James G. Peterson
Commissioners.