

Decision No. 24925.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
HARRY E. WELCH, for certificate of  
public convenience and necessity to  
operate an automobile stage service,  
as a common carrier, between Santa  
Rosa and Monte Rio.

**ORIGINAL**

Application No. 18159.

BY THE COMMISSION:

O P I N I O N

In this proceeding Harry E. Welch asks for a certificate of public convenience and necessity to establish an automobile stage service for the transportation of passengers, baggage and express between Santa Rosa and Monte Rio and intermediate points, via Sebastopol, under rates and time schedules as set forth in Exhibits "A" and "B" of the application.

The territory which applicant proposes to serve was formerly served in part by the Petaluma and Santa Rosa Railroad (between Santa Rosa, Sebastopol and Forestville) and by the Pacific Greyhound Lines, Inc. (between Santa Rosa and Monte Rio via Souza's Corner, Forestville and Guerneville). The Petaluma and Santa Rosa Railroad Company was authorized by the Commission to abandon its passenger train by Decision 24818 on Application No. 18089. The Pacific Greyhound Service was discontinued by authority granted in Decision No. 24715 on Application No. 18011.

Applicant's schedules are constructed for the purpose of making connections at Santa Rosa with train service of Northwestern Pacific Railroad and bus service of the Pacific Greyhound

Lines, Inc., together with frequent service between Santa Rosa and Sebastopol in lieu of the electric car service heretofore given by the Petaluma and Santa Rosa Railroad. Certain schedules beyond Sebastopol also alternate in serving Graton and Sousa's Corner. In all eleven schedules in both directions are provided. Applicant proposes to make connections at Santa Rosa with trains of the Northwestern Pacific Railroad and with busses of the Pacific Greyhound Lines, Inc., and will also enter into joint rate arrangements with the Pacific Greyhound Lines, Inc. The proposed service will provide added facilities for the transportation of passengers, baggage and express from the Bay Cities region and the Russian River resorts.

Although Northwestern Pacific Railroad has train service between Santa Rosa and Monte Rio, via Fulton, it waived in writing all protest to the application, providing that the application of Petaluma and Santa Rosa Railroad Company to abandon its passenger service was granted. As it is the only other public carrier along the route, the application is thus without protest.

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

Harry E. Welch 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

Harry E. Welch having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile stage service as a common carrier of passengers, baggage and express between Santa Rosa and Monte Rio and intermediate points,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of automobile stage service for the transportation of passengers, baggage and express between Santa Rosa and Monte Rio and all intermediate points over and along the following route:

Between Santa Rosa and Monte Rio via the main highway through Sebastopol, Sousa's Corner, Forestville and Guerneville; with optional service to Graton, detouring from the main highway between South Graton Junction and North Graton Junction,

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.

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 one day's 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 in so far 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 one (1) day's 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 him under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. The right to transport express is subject to the restriction that no single package shall be accepted for shipment that weighs in excess of fifty pounds, and all express must be transported on passenger vehicles only, except as to property transported for or through the agency of Railway Express Agency, Inc., and milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restrictions as to weight and vehicle shall not apply.

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 27<sup>th</sup> day  
of June, 1932.

W. Deany  
Lou Cobbley  
W. A. Cain  
W. B. Kavin  
Fred G. Stewart  
Commissioners.