

Decision No. 15529.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of PACIFIC GREYHOUND LINES, INC.,  
a corporation, for certificate of  
public convenience and necessity  
to operate a passenger stage service,  
as a common carrier, between Manor  
and Point Reyes. )

) Application  
No. 18588

BY THE COMMISSION:

O P I N I O N

ORIGINAL

Pacific Greyhound Lines, Inc. has made application for a certificate of public convenience and necessity to operate passenger stage service as a common carrier of passengers, baggage and express between Manor and Point Reyes and all intermediate points.

Rates comparable with rates applicable elsewhere over the system of applicant are proposed in Exhibit "C" attached to the application. The schedules call for five trips each way daily between termini and intermediate points and four additional schedules operating between Manor and Lagunitas.

The certificate is sought by reason of the fact that Northwestern Pacific Railroad Company has sought permission (Application 18587) to abandon train service between Manor and Point Reyes. Granting of the application of the railroad would result in the route being without any public service for passengers, baggage or express. The schedules of service offered by applicant are in fact an improvement on the service maintained by the railroad and represent an immediate benefit to the public in increased schedules to all points. No other applicant offered service in this field and the Railway Express Agency, Inc. of California, which operates vehicles for the transportation of express of the Railway Express Agency, Inc. of Delaware over this route has withdrawn its protest in this application. In view of the granting of the permission to the Northwestern Pacific Railroad to abandon its passenger and express service made simultaneous with this order,

the offer of applicant to provide bus service will be granted, it being our opinion that this is a matter in which a public hearing is not necessary.

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.

#### O R D E R

Pacific Greyhound Lines, Inc. having made application for a certificate of public convenience and necessity to establish automotive service for the transportation of passengers, baggage and express between Manor and Point Reyes and intermediate points,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of service as proposed between termini and intermediate points as above stated, over and along the following route:

Main highway between Manor and Point Reyes  
via Lagunitas, Tocoloma and Olema.

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. This order shall not be effective until passenger train service on the Northwestern Pacific Railroad shall be discontinued between Manor and Point Reyes and the service herein authorized shall begin concurrently with such discontinuance.

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

3. Applicant shall file, in triplicate, 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. 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 days' notice to the Commission and the public, 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.

7. No single package of express may be accepted for transportation that exceeds one hundred pounds in weight, and all express is to be transported on passenger vehicles only, except the limitation as to package weight and vehicle of transportation shall not apply to:

a. Shipments transported for or through the agency of Railway Express Agency, Inc.

b. 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, and

c. Shipments transported for or at request of Northwestern Pacific Railroad Company.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, this 9<sup>th</sup> day of January 1933.

Clarence  
John Sullivan  
W. G. Linn  
W. B. Linn  
W. B. Linn  
Commissioners