

Decision No. 25571.

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of (1) )  
ALLEN A. CRANE, for certificate )  
of public convenience and ) Application  
necessity to operate (2) Passenger and ) No. 18555.  
Parcels Service as a common carrier )  
between San Rafael and Hamilton Field. )

Thomas P. Boyd, for applicant.

H.W. Hobbs and J.J. Geary for Northwestern Pacific  
Railroad Co. and Pacific Motor Transport Co.,  
interested parties.

T. Finkbohner, for Pacific Greyhound Lines, Inc.,  
interested party.

BY THE COMMISSION:

O P I N I O N

Applicant herein seeks certificate of public convenience and necessity to establish passenger service between San Rafael and the U.S. Bombing Base at Hamilton Field, and also to transport parcels.

A public hearing was conducted by Examiner Johnson at San Rafael on January 4, 1933.

Stipulation by applicant that he would limit transportation of property (parcels or express) to packages not in excess of 50 pounds in weight, resulted in withdrawing of opposition by Northwestern Pacific Railroad Company, Railway Express Agency, Inc. and Pacific Greyhound Lines, Inc. Applicant introduced testimony to show the necessity of the service by witnesses from Hamilton Field.

Applicant proposes to operate between San Rafael and the entrance to Hamilton Field and by arrangement with the commandant to also operate within the government area. The service obviously will be a benefit to those stationed at the Field and those having business there. The application will be granted.

Allen A. Crane 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

Allen A. Crane having made application for a certificate of public convenience and necessity to establish an automotive transportation service for the transportation of passengers and property between San Rafael and Hamilton Field, 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 such service over and along the following route:

From Allman and Lincoln Avenues, San Rafael via Lincoln Avenue to the junction of the main road entering Hamilton Field and also from said junction via San Jose Avenue to a point eight-tenths of a mile east of said junction, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted Allen A. Crane 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 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.

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 days' notice to the Commission and the public, 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 23<sup>rd</sup> day of January, 1933.

C. C. Leary

Leon O. O'Connell

W. A. C.

W. B. King

A. S. ...

COMMISSIONERS.