

Decision No. 27101

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
H. C. MILAM to extend certificate  
rendered by Decision No. 25988, which  
includes route from Brawley to  
Julian by way of Westmorland, Kane  
Springs, Dry Lake, Borego, Narrows  
and Banner. The extension asked for  
to be from Julian to San Diego by  
way of San Ysabel, Ramona, San Pasqual  
Battlefield, Escondido, Lake Hodges,  
Rancho Santa Fe and Del Mar.

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) Application No. 19310  
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**COMMISSION**

H. C. Milam, in propria persona.

H. C. Lucas, for Pacific Greyhound Lines, Inc.  
and Inland Stages, Protestants.

Harold W. Dill, for Warner-Julian-Cuyamaca  
Truck Line.

BY THE COMMISSION -

OPINION

This is an application by H. C. Milam for certificate of public convenience and necessity authorizing him to operate an automobile service for the transportation of passengers and express between Julian, in the County of San Diego, and the City of San Diego. Applicant is now serving the territory between Brawley, in the County of Imperial, and Julian and intermediate points, so that this application is a request to extend the operations granted under Decision No. 25988 from the town of Julian, the present western terminal of his route, to San Diego by way of Santa Ysabel, Ramona, San Pasqual Battlefield, Escondido, Lake Hodges, Rancho Santa Fe and Del Mar. The fares and rates proposed to be charged and the rules and regulations governing same are set forth in Exhibit A, attached to the application, and the time schedule and route are shown in Exhibits B and D, attached to the application on file herein.

A public hearing was held before Examiner Johnson at San Diego on April 25, 1934, and it was there shown that there is no present public transportation service between Ramona and Del Mar.

The application was protested by Pacific Greyhound Lines, Inc., Inland Stages and Julian-San Diego Stage, who operate services to San Diego over different routes. The route proposed by applicant is the shortest distance between Brawley and the Imperial valley and the Coast highway, and constitutes the quickest means of transportation to and from the beach at Del Mar.

Public convenience and necessity were shown by the applicant and several witnesses from the vicinity. The protests of the protesting stage lines were withdrawn upon the stipulation entered into by the applicant, limiting applicant's operations in four different particulars as given in the Order hereinafter set forth.

H. C. Milam 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by H. C. Milam of an automotive stage service for the transportation of passengers, baggage and express between Julian and intermediate points to San Diego, via Santa Ysabel, Ramona, San Pasquel Battlefield, Escondido, Lake Hodges, Rancho Santa Fe and Del Mar, as an extension of his present service between Brawley and Julian.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same is hereby granted to H. C. Milam, 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 the date hereof, stipulating in said acceptance that the rights herein granted are accepted as an extension and enlargement of the rights granted by Decision No.25988, on Application No.18866, and not as a new or separate right.
2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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 after the effective date of this order, on not less than five (5) 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.
6. No passengers, baggage or express may be transported locally between San Diego and Del Mar, nor between Kane Springs and Brawley.
7. No passengers, baggage or express may be transported between the territory, San Diego to Del Mar, not including Del Mar, on the one hand, and the territory between Westmorland and Brawley, not including Westmorland, on the other hand, and vice versa.
8. No passengers, baggage and express may be transported between Escondido and San Diego.

9. No passengers, baggage and express may be transported locally between Ramona and Julian nor from the territory between Ramona and Julian, both inclusive, to and from San Diego.

10. No express shall be transported except on passenger stages only and no package may be transported, the gross weight of which exceeds one hundred and fifty (150) pounds.

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 20<sup>th</sup> day of May, 1934.

U. S. Levey

W. H. C.

M. B. K.

W. H. C.

COMMISSIONERS.