

Decision No. 27173

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 passenger stage service  
as a common carrier between North  
Lawrence Station and Agnew Road  
via Bay Shore Highway, together with  
necessary cross connections.

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) Application No. 19489  
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BY THE COMMISSION -

O P I N I O N

Pacific Greyhound Lines, Inc., applicant herein, has petitioned the Railroad Commission for an order granting a certificate of public convenience and necessity permitting the operation of an automotive service for the transportation of passengers, baggage and express between North Lawrence Station and Agnew Road and all intermediates, via Bay Shore Highway. Permission is also sought to operate between Agnew Road and Santa Clara as traffic demands, with the restriction that no passengers nor express are to be handled locally between Agnew Road and Santa Clara, nor from the territory Santa Clara and Agnew Road to San Jose and vice versa; and between Whisman Road Junction and Naval Air Station via Whisman Road, when traffic demands. Such certificate to be consolidated with and made part of certificates of public convenience and necessity heretofore granted by this Commission. No new tariff points are to be established.

Completion by the State Highway Commission of the new highway, known as the Bay Shore Highway, to Agnew Road, which embraces route between North Lawrence Station and Agnew Road herein applied for, is cited as justification for the authority sought.

This is a matter in which a public hearing is not necessary. The application will be granted.

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.

ORDER

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. for the transportation of passengers, baggage and express between

1. North Lawrence Station and Agnew Road and intermediates via Bay Shore Highway.

2. Agnew Road and Santa Clara, as traffic demands, subject to the restriction that no passengers or express are to be handled locally between Agnew Road and Santa Clara, nor from territory Santa Clara and Agnew Road to San Jose and vice versa.

3. Whisman Road Junction and Naval Air Station, via Whisman Road, as traffic demands.

4. The certificate herein granted is to be consolidated with and made a part of certificates of public convenience and necessity heretofore granted,

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. Applicants 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.

3. 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.

4. 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 20<sup>th</sup> day of June, 1934.

O. C. Leavelle

Leon Whitely

W. H. Carr

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COMMISSIONERS.