

Decision No. 28486

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
LEE SPEIRS for a certificate of pub-  
lic convenience and necessity to op-  
erate an automobile service for the  
transportation of passengers, baggage  
and express as a common carrier for  
compensation between California-  
Nevada State Line and Blythe, Calif.,  
and all intermediate points, via  
Needles, Rice-Vidal Junction and  
Vidal, Calif., and eastwardly between  
Rice-Vidal Junction and Vidal, on the  
one hand, and Whipple, Calif., and all  
intermediate points, via Earp, Calif.,  
on the other hand.

Application No. 19718.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Applicant, Lee Speirs, an individual, herein seeks a certificate of public convenience and necessity for the operation of an automotive stage line for the transportation of passengers, baggage and express as a highway common carrier for compensation between a point on the California - Nevada state line approximately thirty miles north of Needles, California and Blythe, California and intermediate points.

Applicant alleges, as justification for the granting of the authority herein applied for, that the construction of Parker Dam, approximately seventeen miles north of Parker, Arizona on the Colorado River, has created increasing activity in the territory involved which has resulted in a heavy movement, particularly of labor, between Las Vegas, Nevada and Blythe, California.

Applicant further alleges that there is no transporta-

tion service being given at the present time in the region described except the service of the Atchison, Topeka & Santa Fe Railway Company over its Parker branch between Rice, California and Parker, Arizona through Vidal and Earp. Vidal and Earp, both in California and about ten miles apart, are the only competitive points. Applicant avers that the service between these two points will not be competitive as the rail line and applicant's proposed stage line will act as feeders to each other.

Waivers of protest to the granting of the application have been received from the Atchison, Topeka & Santa Fe Railway Company and Railway Express Agency, Inc.

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

Applicant Lee Speirs 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 Lee Speirs of an automotive passenger stage service as a highway common carrier for the transportation of passengers, baggage and express between a point on the

California - Nevada State line approximately thirty (30) miles northerly from Needles, California on the highway as it runs between Needles, California and Las Vegas, Nevada, Blythe and Whipple and intermediate points via Needles, Rice - Vidal Jct., Vidal, Earp and Cross Roads, with diversion from either Rice - Vidal Jct. or Vidal to Whipple, provided that all express matter shall be transported on passenger stages only and incidental to the transportation of passengers thereon, no single package to weigh in excess of one hundred fifty (150) pounds;  
and

IT IS HEREBY ORDERED that a certificate therefor be, and it hereby is, granted to Lee Speirs, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period not to exceed ten (10) days from the date hereof.
2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the effective 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 fares and rules which, in volume and effect, shall be identical with the fares and rules shown in the exhibit attached to the application in so far as they conform to the certificate granted herein.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the effective date hereof, on not less than five (5) days' 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 obtained.
5. 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. <sup>10</sup>

Dated at San Francisco, California, this 6 day  
of January, 1936.

Leon Whitely

W. L. Linn

M. B. Hanna

W. H. H. H. H.

Frank R. H. H.

COMMISSIONERS.