

Decision No. 28656

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MELVIN O. KING, JR. For Certificate
of Public Convenience and Necessity
to operate automobile stage line
between Imperial Damsite, Fort Yuma
and Cantu, California.

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) Application No. 20428.
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)

BY THE COMMISSION:

O P I N I O N

ORIGINAL

Melvin O. King, Jr. has made application for a certificate of public convenience and necessity to establish and operate, as a common carrier, an automotive service for the transportation of passengers, baggage and express between Cantu, Fort Yuma and Imperial Damsite, all points in Imperial Valley.

The service is proposed in connection with the construction by the Federal Government of the All-American Canal for the supply of irrigation water to the Imperial Valley. This is a part of the national public works program for the relief of unemployment and approximately \$18,000,000 will be expended, of which 60 percent will be expended for labor. About 3000 men for a period of three years will be employed. The distance between Cantu and Imperial Damsite is 29 miles. Applicant will also serve Yuma, Arizona from the bridge head on the California side, which will be on his proposed route.

Applicant states that contracts are now let for beginning work on this project and alleges that actual work has been started, a construction camp constructed and several

hundred men are now at work. The service proposed will be in public interest in providing transportation for these and future workmen, their baggage and express where no other means exists or is proposed. The application merits granting. Applicant supports his request with satisfactory endorsements as to his responsibility and financial ability.

This is a matter in which a public hearing appears unnecessary.

Melvin O. King, Jr. 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

Melvin O. King, Jr. has made application to establish automotive transportation service for passengers, baggage and express between Cantu and Imperial Dam site and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of such service between termini and all intermediate points over and along the following route:

Between termini, via Araz Jct., International Bridges, Fort Yuma, Ross Corners, Bard and Laguna Dam, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to Melvin O. King, Jr., 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 commence the service herein authorized within a period of not to exceed sixty (60) days from the date hereof, and shall concurrently make effective 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 in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.

3. Applicant shall file, in duplicate, and make effective within a period of not to exceed sixty (60) 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.

6. 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.

This order shall be effective on date of signature.

Dated at San Francisco, California, this 23d day of March, 1936.

M. B. Harris
Leon Whitely
W. P. Curry
W. H. L. L. L.
Frank R. L. L.
COMMISSIONERS.