

Decision No. 28874

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of W. H. PIMENTEL, doing business under the fictitious name and style of North Sacramento Stage Line, for a certificate of public convenience and necessity to operate an automotive passenger stage service between Haggin Oaks Store and the Army Air Base, both points being in Sacramento County, over and along the following route: Haggin Oaks Store to 22nd Street, to North Avenue, to 24th Street, to South Avenue, to Army Air Base, returning via same route, or via Ben Ali-Antelope Road to Ben Ali, as an extension to the existing rights of applicant to operate automotive passenger stage service between Sacramento, California, and Haggin Oaks Store, and intermediate points, and to consolidate the existing rights of applicant with the operative right herein sought.

**ORIGINAL**  
Application  
No. 20560

BY THE COMMISSION:

O P I N I O N

W. H. Pimentel, operating under the name and style of the North Sacramento Stage Line, seeks a certificate of public convenience and necessity to transport passengers by auto stage, as a common carrier, between Haggin Oaks Store and the United States Army Air Base now being established about five (5) miles northeast of Haggin Oaks Store.

Applicant, at the present time, operates under certificate, an automotive transportation service as a common carrier of passengers between Sacramento and Haggin Oaks Store and Rio Linda, via Del Paso Heights and Robla and all intermediate points and in the instant application seeks a certificate between Haggin Oaks

Store and the proposed Army Air Base as an extension and enlargement of his present operating rights with consolidation of existing rights with the operative right herein sought.

Applicant alleges that with the establishment of the Air Base the United States Government will employ between 450 and 1000 men, that these men and their families will require transportation between the Air Base and Sacramento, North Sacramento and intermediate points and that no automotive transportation service is now available in this territory.

Applicant proposes a route from Haggin Oaks Store via 22nd Street, North Avenue, 24th Street and South Avenue to the United States Army Air Base with return service via the same route or via the Ben Ali-Antelope Road to Ben Ali.

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

W. H. Pimentel 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 W. H. Pimentel doing business under the name and style of North Sacramento Stage Line, of an automotive service for the transportation of passengers as a common carrier between Haggin Oaks Store and the United States Army Air Base now being established at a point in Sacramento County about five (5) miles northeast of Haggin Oak Store as an extension and enlargement of and to be consolidated with applicants present operating rights as set forth in Decision No. 24384, dated January 11, 1932, on Application No. 17773, over and along the following route.

From Haggin Oaks Store via 22nd Street, North Avenue, 24th Street and South Avenue to the United States Army Air Base, returning either by reversing the above route or via the Ben Ali-Antelope Road to Ben Ali.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to W. H. Pimentel operating under the name and style of North Sacramento Stage Line for the operation of the service herein described, subject to the following conditions:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof, stipulating in said acceptance that the authority herein granted is an extension and enlargement of his present operating right, to be consolidated therewith and not a new and separate operating right.
2. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten (10) days' notice to the Railroad

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 and rules satisfactory to the Railroad Commission.

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 Railroad 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 obtained.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant 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 27 day of June, 1936.

W B Lewis  
Leon Orfield  
M J Gane  
Walter M. ...  
Francis R. ...  
Commissioners.