

ORIGINAL

Decision No. 28943

## 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 )  
authorizing operation of automotive )  
stages for the transportation of )  
passengers, baggage and express )  
between Korbek Ranch and Rio Nido. )

Application No. 20612

BY THE COMMISSION:

O P I N I O N

By this application Pacific Greyhound Lines, Inc. requests a certificate of public convenience and necessity to establish an automotive service for the transportation of passengers, baggage and express between Korbek Ranch and Rio Nido as an extension and enlargement of applicants present rights; to be consolidated therewith and not as a new and separate operating right.

At the present time applicant is authorized to operate in consolidation with certificates heretofore granted as authorized by Decision No. 28367 dated November 18, 1935 on Application 20236, between Forestville and Santa Nella and intermediate points via the main highway through Mirabel Park, Hacienda and Hilton. It likewise has an operating right between Guerneville and Rio Nido and intermediate points via the main highway. There is however no certificate granted to Pacific Greyhound Lines, Inc. between Rio Nido and Korbek Ranch (an intermediate between Forestville and Santa Nella) and by the instant application applicant seeks certification for this 1.75 miles between Rio Nido and Korbek Ranch.

Applicant, Pacific Greyhound Lines, Inc., has requested an exparte order from the Railroad Commission and in support thereof alleges as follows.

"That Sonoma County has purchased the right-of-way of the abandoned Northwestern Pacific Railroad between Fulton and Duncan Mills and that with the removal of the rail and ties and some temporary surfacing, a traversable road will be established between Korbel Ranch and Rionido, a distance of 1.75 miles, thereby permitting applicants motor busses now serving the Russian River to move direct from the Korbel Ranch to Guerneville via Rionido instead of via the route across the summer bridge from Korbel Ranch to Santa Nola and thence to Guerneville with a back haul to Rionido before proceeding on from Guerneville to Monte Rio."

This appears to be 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.

#### O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY  
DECLARES that public convenience and necessity require the

operation by Pacific Greyhound Lines, Inc. of an automotive stage service for the transportation, as a common carrier, of passengers, baggage and express.

Between Korbel Ranch and Rio Nido subject to the restrictions imposed in Decision No. 28367 dated November 18, 1935.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is hereby granted, not as a separate operating right but as an extension and enlargement of the operating right heretofore granted by Decision No. 23244 in Application No. 16989, subject to the following conditions:

1. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicants 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 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. 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 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 applicants herein unless such vehicle is owned by said applicants or is leased by applicants 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 29th day of June, 1936.

M. Bilanus

M. H. Carr

[Signature]

[Signature]

Commissioners