



Applicant does not propose to engage in or conduct an interurban passenger business nor is it proposed to directly handle traffic for the public generally between such points but proposes to handle such traffic for and on behalf of the Atchison-Topeka and Santa Fe Railway Company under rates to be fixed by contract on a basis compensatory to applicant, copies of such contracts to be filed with the Railroad Commission.

As justification for the granting of the certificate herein sought, applicant alleges that upon completion of the bridge Atchison-Topeka and Santa Fe's contract with Southern Pacific Company whereby its passengers and property are transported via the facilities of Southern Pacific Company will be terminated and that utilization of the San Francisco-Oakland Bay Bridge will afford a means of meeting competition, give the public generally the benefit of direct, speedy and convenient service and indicates a saving in operating expenses. It is further alleged that the California Toll Bridge authority, in charge of the construction and operation of the transbay bridge, has authorized applicant to perform such service over the bridge.

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

Santa Fe Transportation Company 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 Santa Fe Transportation Company of an automotive passenger stage, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers, baggage and express for the Atchison-Topeka and Santa Fe Railway Company only, between San Francisco, Oakland, Richmond and intermediate points via the San Francisco-Oakland Bay Bridge provided that applicant shall perform no local service between such points and intermediate points nor between any or all points intermediate thereto.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA DECLARES that public convenience and necessity require the operation, by Santa Fe Transportation Company, of an automotive service as a highway common carrier, for the transportation of property, for the Atchison-Topeka and Santa Fe Railway Company only, between San Francisco, Oakland, Richmond and intermediate points via the San Francisco-Oakland Bay Bridge provided that applicant shall perform no local service between such points and intermediate points nor between any or all points intermediate thereto.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to Santa Fe Transportation Company 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 therein that said certificate is granted as a new and separate operating right and not as an extension of or consolidation with applicant's present operating rights.

2. Applicant shall commence the service herein authorized contemporaneously with the completion of and opening to operation of the San Francisco-Oakland Bay Bridge, 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. 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 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 3<sup>rd</sup> day of August, 1936.

\_\_\_\_\_  
\_\_\_\_\_  
W. A. Carr  
\_\_\_\_\_  
William H. ...  
\_\_\_\_\_  
Frank R. ...  
\_\_\_\_\_  
COMMISSIONERS.