

Decision No. 23048

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of M.C.Yahne, Inc., a corporation, for a certificate of public convenience and necessity to transport passengers, baggage and express between Oceanside and Vista, and to consolidate said certificate with operative rights now held by applicant.

Application No. 20510

ORIGINAL

BY THE COMMISSION:

O P I N I O N

M.C.Yahne, Inc., operating an automobile service for the transportation of passengers, baggage and express between Los Angeles and San Diego via Corona, Elsinore and Escondido and intermediate points under the fictitious name and style of Inland Stages has made application for a certificate of public convenience and necessity to operate a like service between Vista and Oceanside and to consolidate the same with its existing operations. The purpose of this application is to connect with the service of the Pacific Greyhound Lines at Oceanside and to establish a shuttle service between Escondido and Oceanside via San Marcos and Vista.

Applicant proposes to establish two schedules each way daily between Escondido and Oceanside. These schedules are especially adapted to the needs of travel in this area and the connection at Oceanside will be useful to passengers traveling to any point on the system of the Pacific Greyhound Lines.

The Atchison, Topeka and Santa Fe Railway Company, which is the only passenger carrier affected by the proposed extension of applicant's present service, has filed with the Commission a written waiver of protest to the granting of the certificate sought. Written waivers of protest have likewise been filed by the Southern California Freight Lines, the Pacific Freight Lines and the Railway

Express Agency.

It appears that this is a matter in which a public hearing is not necessary. The application will be granted.

M.C.Yahne, 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 is not in any respect limited to the number of rights which may be given.

O R D E R

M.C.Yahne, Inc., having made application for a certificate of public convenience and necessity to operate as a passenger stage corporation between Vista and Oceanside and to consolidate said operation with its present operations which were transferred to it under Decision No. 26557.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by M.C.Yahne, Inc., of an automotive passenger stage service as defined by Section 2 1/4 of the Public Utilities Act as a common carrier for the transportation of passengers, baggage and express between Vista and Oceanside and intermediate points over and along the direct main highway between said points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is, granted to M.C.Yahne, Inc., not as a separate operating right but as an extension and enlargement of its present operating right as heretofore established by Decision No. 26557 in application No. 18992, dated November 25, 1933, 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.

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 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 made 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.

6. In the transportation of express, no single shipment weighing in excess of 100 pounds shall be accepted for transportation, excepting, however, shipments transported for or through the agency of the Railway Express Agency, Inc., and milk and cream and empty containers therefor when being transported to or from the rail agency point in connection with rail transportation thereof; and all express shall be transported on passenger vehicles only.

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 17th day of

August, 1936.

W. B. Lewis
Leon Arthur
Mr. In Case
Walter Spear
Frank K. Miller