

Decision No. 29620

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PACIFIC GREYHOUND LINES for certificate
 of public convenience and necessity to
 operate automotive stage service for the
 transportation of passengers, baggage and
 express between Petaluma and Shellville
 and/or Sonoma and to consolidate same with
 remainder of Applicant's system.

Application
 No. 21066

BY THE COMMISSION:

ORIGINALO P I N I O N

By this application, Pacific Greyhound Lines, a corporation, seeks a certificate of public convenience and necessity for the automotive transportation of passengers, baggage and express seasonally between Petaluma and Shellville, via State Route #104, through Lakeville and West Shellville, between West Shellville and North Shellville via the County Highway and between North Shellville and Sonoma via State Route #51 as an extension and enlargement of its existing rights and to be consolidated therewith.

As justification for the granting of the authority herein sought, applicant makes the following statement:

"Pacific Greyhound Lines is at the present time operating direct bus service between San Francisco and the Sonoma Valley. These schedules, because of the large amount of mail and express handled between the rail junction points at San Rafael and Sausalito and points in the Sonoma Valley, must of necessity be equipped with combination buses (buses with a rear baggage compartment).

"It is proposed to establish a new service between Petaluma and Sonoma Valley points via Lakeville in order that the heavy volume of mail and express may be diverted from through San Francisco-Sonoma Valley schedules. Such mail and express will be handled by rail

to the rail junction point at Petaluma and thence via the proposed service into the Sonoma Valley, thus permitting the through San Francisco-Sonoma Valley schedules to be equipped with standard buses instead of combination buses, thereby giving greater and better passenger accommodations and, through the elimination of delays incident to the handling of mail and express, permit faster schedules to be maintained.

"The service between Petaluma and the Sonoma Valley is to be operated with combination buses, thereby providing a service for passengers as well as mail and express into the territory. There has also been a demand for passenger service between Petaluma and Sonoma Valley points which, by the establishment of this service, will be met.

"Transportation of mail and express matter via the proposed new operation will be as expeditious as the present service and at no greater cost to the public."

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

Pacific Greyhound Lines 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 of an automotive service, as a passenger stage corporation as such is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and express between;

- a. Petaluma and Shellville via State Route No. 104 through Lakeville and West Shellville.
- b. West Shellville and North Shellville via the County Highway.
- c. North Shellville and Sonoma via State Route No. 51.

not as a new and separate right but as an extension and enlargement of its present operating rights and to be consolidated therewith.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to Pacific Greyhound Lines 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 an extension and enlargement of applicant's existing rights consolidated therewith and not as a new and separate 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 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.

6. Service may be operated seasonally between the period of approximately May 15 and September 15 of each year.

7. That in the transportation of express no single package shall be accepted for shipment that weighs in excess of 100 pounds, and all express must be transported on passenger vehicles only, except as to property transported for or through the agency of Railway Express Agency, and milk and cream and containers therefor when being transported to and from a rail junction point in connection with rail transportation, to which said shipments restriction as to weight and vehicle shall not apply.

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 March, 1937.

Arthur H. Hays
Leon Outwater
Frederick H. Hays
Carroll Hays
Ray L. Hays
COMMISSIONERS.