

Decision No. 29701

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of PACIFIC GREYHOUND LINES, a
corporation, for a certificate of
public convenience and necessity to
operate passenger stage service as a
common carrier between (a) Agnew Road
and San Jose, (b) In the vicinity of
Vacaville, (c) Capitola Road and
Capitola; and to consolidate same with
remainder of Applicant's System.

ORIGINAL

Application No. 21126

BY THE COMMISSION:

O P I N I O N

In this application, Pacific Greyhound Lines requests an order of the Commission granting a certificate of public convenience and necessity for the operation of an automotive passenger stage service for the transportation of passengers, baggage and express between the following termini and intermediate points:

1. The intersection of Agnew Road and Bayshore Highway and San Jose via said Bayshore Highway (State Route 68) entering San Jose via either North 1st Street or North 4th Street.
2. West Vacaville and East Vacaville via the newly relocated state highway through Vacaville (State Route No. 7).
3. Vacaville and South Vacaville via Adams Street.
4. Between Capitola Road (located at the junction of Capitola Road and State Route No. 56) and Capitola via Capitola Road.

In addition applicant requests authority to conduct its operations between Vacaville, West Vacaville, East Vacaville and South Vacaville over the proposed routes when traffic conditions warrant; and consolidating the certificate applied for with applicant's existing operating rights.

As justification for the authority applied for, applicant alleges:

1. That the State Highway Commission has had under construction for some time a new highway between San Francisco and San Jose known as Bayshore Highway all of which has heretofore been completed except that portion between Agnew Road and San Jose which portion is to be completed within a period of approximately ninety days at which time applicant desires authority to extend its operations over said highway into San Jose.
2. That the State Highway Commission has had under construction for some time a relocation of the state highway in the vicinity of Vacaville which will be completed within a period of approximately ninety days; that such relocated highway will provide a more direct route than the present route through the town of Vacaville for such of its through schedules as are not required to serve Vacaville, thereby providing a more direct and faster service for such schedules.
3. That heretofore in conducting its operations into the town of Capitola, applicant has done so by diverging from the main highway at either Capitola Avenue or Soquel and making a side trip to Capitola thus necessitating a back-haul over a portion of the route as well as unsatisfactory turning arrangements in the vicinity of the Southern Pacific Company depot at Capitola.

Applicant now proposes to utilize Capitola Road when operating schedules through the town of Capitola thereby permitting a continuous movement without back-haul or necessity of turning stages in congested territory, thereby providing a better service in the downtown portions of Capitola.

This does not appear to be a matter in which a public hearing is necessary as no other common carrier will be adversely affected. 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, not as a separate operating right, but as an extension and enlargement of the certificate heretofore granted by Decision No. 23244, dated December 31, 1930 on Application No. 16989, and amendments thereto, of an automotive passenger stage service as defined by Section 2-1/4 of the Public Utilities Act for the transportation of passengers, baggage and express over the routes and between the termini and intermediate points as follows:

1. The intersection of Agnew Road and Bayshore Highway and San Jose via said Bayshore Highway (State Route 68) entering San Jose via either North 1st Street or North 4th Street.
2. West Vacaville and East Vacaville via the newly relocated state highway through Vacaville (State Route No. 7).
3. Vacaville and South Vacaville via Adams Street.
4. Between Capitola Road (located at the junction of Capitola Road and State Route No. 56) and Capitola via Capitola Road.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it 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.

2. Applicant shall commence the service herein authorized within a period of not to exceed ninety (90) 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 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 ninety (90) 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. Operation between West Vacaville and East Vacaville, via South Vacaville, and between South Vacaville and Vacaville may be conducted as traffic demands warrant.

7. The right to transport express is subject to the restriction that no single package shall be accepted for shipment that weighs in excess of one hundred (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, Inc., and milk and cream and empty containers therefor when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restrictions 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 26th day of
April, 1937.

Walter M. ...
Leon ...
Frank ...
...
...
COMMISSIONERS.