

ORIGINAL

Decision No. 30400

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)	Application No. 21587
transportation of passengers, baggage)	
and express between Calexico and Midway)	
Wells via Bonds Corner.)	

BY THE COMMISSION:

O P I N I O N

In this application Pacific Greyhound Lines requests a certificate of public convenience and necessity authorizing it to operate as a common carrier of passengers, baggage, and express between Calexico and Midway Wells and intermediate points via Bonds Corner, said certificate to be consolidated with remainder of applicant's present operating rights.

Among the operating rights heretofore granted applicant by Decision No. 23244, on Application No. 16989, and amendments thereto, was a right to operate between Coachella and Yuma Bridge via Brawley, El Centro and Holtville, and between El Centro and Calexico.

As justification for the granting of this application, applicant relies upon the following conditions and alleges that with improvement of State Highway No. 202 between Calexico and Midway Wells it is now feasible to route certain of the present schedules of applicant's operations between El Centro and Yuma Bridge via Heber and Bonds Corner instead of via the route through Holtville; that in routing certain through schedules of applicant in the manner proposed herein, it will provide a through direct service to and from Calexico, a point at which there is a substantial demand

for applicant's service, instead of subjecting the patrons of applicant to the necessity of utilizing the present shuttle car service between Calexico and El Centro for the purpose of connecting with the through schedules via the Holtville Route and west to Los Angeles.

The proposed passenger fares and rates and regulations governing them are those designated in Exhibit "C" attached to the application. Express will be transported according to the rules, regulations and charges as shown in Joint and Inter-Division Express Tariff No. 2-11, C.R.C. No. 105. Baggage will be transported in accordance with the rules and regulations and charges shown in Joint and Inter-Division Baggage Tariff No. 102, C.R.C. No. 111.

Applicant alleges that there are no other common carriers operating in the territory involved and it, therefore, appears that a public hearing is not necessary and the application should 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 requires the establishment and operation by Pacific Greyhound Lines as a passenger stage corporation as defined in Section 2-1/4 of the Public Utilities Act of a common carrier service for the transportation of passengers, baggage and express between Calexico and Midway Wells and intermediate points via Bonds Corner as an extension and enlargement of the operating rights heretofore granted applicant by Decision No. 23244, as amended, in Application No. 16989, subject to all the limitations and restrictions therein contained and,

IT IS ORDERED that a certificate of public convenience and necessity therefor is granted to Pacific Greyhound Lines subject to the following conditions:

1. In the transportation of express no single package shall be accepted for shipment that weighs in excess of one hundred pounds and all express must be transported on passenger vehicles only except that such restrictions as to weight and vehicles shall not apply to property transported for or through the agency of the Railway Express Agency Incorporated and milk and cream and empty containers therefor when being transported in connection with the rail transportation thereof.
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
3. 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.

4. 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, a time schedule or time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.

5. 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.

6. 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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13th day of December, 1937.

[Signature]
Leon Whittell
Frank [Signature]
Ray [Signature]
W. L. Kelley
COMMISSIONERS