

Decision No. 22121

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BRUCE W. ROBB and IRA C. BAILEY, Co-
partners, doing business as ROBB AND
BAILEY TRANSIT CO., for a certificate
of public convenience and necessity
to operate an automobile service for
the transportation of passengers as a
common carrier for compensation between
East Salinas and West Salinas via
Salinas, California.

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Application No. 21595

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this application Bruce W. Robb and Ira C. Bailey, co-partners, doing business as Robb and Bailey Transit Co., have applied for a certificate of public convenience and necessity to establish and operate a passenger stage service as a common carrier of passengers for compensation between the intersection of Del Monte and Aider Avenues, East Salinas, and Salinas Airport, West Salinas, and intermediate points via Salinas.

As justification for the granting of the authority requested, the applicants allege that the districts east of Salinas which are proposed to be served are newly developed residential districts without public means of transportation to and from the city of Salinas; that there is an insistent demand for service between Salinas and Salinas Airport as well as to and from territory intermediate to the termini of the proposed route of operation.

Pacific Greyhound Lines, the only carrier affected, has filed with the Commission its written waiver of protest to the granting of the authority requested. It appears therefore that a public hearing is not necessary and the application will be granted.

Bruce W. Robb and Ira C. Bailey, co-partners, are 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 Bruce W. Robb and Ira C. Bailey, copartners, of a passenger stage service as defined in Section 2-1/4 of the Public Utilities Act as a common carrier for the transportation of passengers between the intersection of Rider and Del Monte Avenues and Salinas Airport and intermediate points via the city of Salinas over and along the following route:

Beginning at the intersection of Rider and Del Monte Avenues in the community known as East Salinas, thence along Del Monte Avenue to Williams Road, to Alisal Road, to Main Street, thence along Main Street and North Main Street and U. S. Highway 101 to Salinas Airport, and

IT IS ORDERED that a certificate of public convenience and necessity therefor is granted to Bruce W. Robb and Ira C. Bailey, co-partners, subject to the following conditions:

1. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicants 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. Applicants 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.

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 applicants herein unless such vehicle is owned by said applicants or is leased by applicants 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 20th day of December, 1937.

William M. ...
Leon ...
Frank ...
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...
COMMISSIONERS.