

Decision No. 30621

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PACIFIC GREYHOUND LINES for)
authority to establish an optional) Application No. 21679
route between Sonora and Tuolumne.)

BY THE COMMISSION:

O P I N I O N

ORIGINAL

In this application Pacific Greyhound Lines requests a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service over an optional route between Sonora and Tuolumne as a common carrier of passengers, baggage and express and for the amendment of the description of the route set forth in paragraph 34 of Decision No. 23244. Said certificate is also sought as an extension and enlargement of the operating rights heretofore established by Decision No. 23244.

The rates and the fares to be charged are those appearing in Local, Inter-Division and Joint Passenger Tariff No. X-100, C.R.C. 496, of applicant.

As justification for the authority sought, applicant alleges that because of the highway conditions in the vicinity of Standard it has in the past been necessary to operate via a detour leaving the main Tuolumne Highway at Sullivan's Creek, thence to Standard via State Route 13 and county highway, and thence to the main Tuolumne Highway at Standard Road via the county highway. In operating via this proposed route, it is alleged that it will be unnecessary to make a side trip from Standard Road to Standard via

the county highway and return via the same route, thereby avoiding traversing twice 1.4 miles of road between Standard Road and Standard, which road is in an unsatisfactory condition.

Written waivers of protest to the granting of the authority sought have been received from Sierra Railroad Company and L. M. Sell, doing business as Dardanelle Stage Line.

It appears therefore that a public hearing is not necessary and the request being in the public interest 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 establishment and operation of an automotive service as a passenger stage corporation as defined in section 27 of the Public Utilities Act for the transportation of passengers, baggage and express between Sullivan's Creek and Standard and intermediate points as an extension and enlargement of the certificate heretofore granted by Decision No. 23244, as amended, dated December 31, 1930, over and along the amended route as hereinafter set forth.

IT IS ORDERED that a certificate of public convenience and necessity therefor is granted to Pacific Greyhound Lines.

IT IS FURTHER ORDERED that the route description set forth in paragraph 34 of said Decision No. 23244 is amended to read as follows:

- 34 - Between Manteca and Tuolumne as follows:
- a. Between Manteca and Sullivan's Creek via State Route 13.
 - b. Between Sullivan's Creek and Standard Road via either State Route 13 and county highway through Standard or via county highway direct.
 - c. Between Standard Road and Tuolumne via county highway.

The certificate of public convenience and necessity herein granted is subject to all the limitations and restrictions of Decision No. 23244, as amended, and is further 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 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 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 4th day of February, 1938.

William H. Mason
John O. Kelly
James R. Quinn

COMMISSIONERS.