

Decision No. 30622

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES, a corpora-)
tion, for certificate of public)
convenience and necessity to operate)
automotive stage service for the)
transportation of passengers, baggage)
and express between Gilroy and)
Watsonville via Hecker Pass.)

Application No. 21688

ORIGINAL

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 the establishment and operation of a passenger stage service as a common carrier of passengers, baggage and express between Gilroy and Watsonville and intermediate points via Hecker Pass, State Route 32, said certificate to be consolidated with the remainder of applicant's operating rights.

The proposed fares, and the rules and regulations governing such fares, are those set forth in Exhibit "C" attached to the application herein, and applicant proposes to file an optional routing tariff whereby tickets now good for passage between Gilroy and Watsonville via Chittenden Road Junction will be good for passage via the Hecker Pass Route.

Express will be transported according to the rules and regulations and charges as shown in Joint and Inter-Division Express Tariff No. Z-11, C.R.C. No. 105.

Baggage will be transported in accordance with rules and regulations and charges shown in Joint and Inter-Division Baggage Tariff No. 102, C.R.C. No. 111.

As justification for the authority sought, applicant alleges that by rerouting certain connecting schedules now connecting with main line schedules at Chittenden Road Junction via the Hecker Pass Route, an improvement in applicant's service to and from Watsonville will be possible as well as providing a local service to the territory along the Hecker Pass Route which, at present, is not served by any common carrier.

There being no other common carrier in the territory effected, a public hearing is not necessary, and the application appearing to be 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

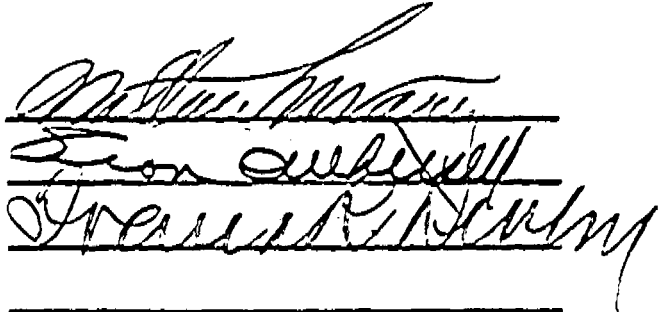
THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires the establishment and operation by Pacific Greyhound Lines of an automotive service as a passenger stage corporation as defined in section 24 of the Public Utilities Act for the transportation of passengers, baggage and express between Gilroy and Watsonville and intermediate points via Hecker Pass, State Route 32, as an extension and enlargement of the operating rights of applicant established by Decision No. 23244, as amended, dated December 31, 1930.

IT IS ORDERED that a certificate of public convenience and necessity therefor is 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 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 14th day of February, 1938.



COMMISSIONERS.