

Decision No. 30629

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GREYHOUND LINES, a corpor-
ation, for certificate of public
convenience and necessity for the
transportation of passengers, bag-
gage and express between BRAWLEY
and NILAND via CALIPATRIA.

Application No.
21743

BY THE COMMISSION:

O R D E R

Pacific Greyhound Lines, a corporation, on February 2, 1938, filed its application for a certificate of public convenience and necessity for the transportation of passengers, baggage and express between Brawley and Niland, via Calipatria, Imperial County.

Applicant proposes to operate a passenger stage line between Niland and Calexico in lieu of passenger train service by Southern Pacific Company. Applicant now holds a certificate of public convenience and necessity for passenger stage operation between Brawley and Calexico (Decision No. 23244, Application No. 16989).

Southern Pacific Company, by Application No. 21699, has requested permission to discontinue the operation of passenger trains Nos. 91 and 92 operating between Niland and Calexico. At the hearing in this matter on January 26, 1938, Southern Pacific offered to substitute or cause to be substituted a passenger stage service in lieu of trains Nos. 91 and 92.

The various cities and Chambers of Commerce of the area affected then withdrew their protests to the abandonment of these trains.

The Commission, by Decision No. 30596, Application No. 21699, authorized Southern Pacific Company to discontinue the operation of trains Nos. 91 and 92 between Niland and Calexico provided

that it operate or cause to be operated a substitute passenger stage service in lieu thereof.

The instant application proposes a passenger stage schedule substantially the same as the passenger train schedule authorized to be discontinued. (Exhibit B, attached to Application No. 21743).

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted provided that the service to be performed will be substantially as shown in said Exhibit "B"; that applicant will honor Southern Pacific Company tickets; and that the stops will be made at Southern Pacific Company's passenger stations between Niland and Calexico, both included.

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.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by applicant, as a passenger stage corporation as defined in Section 2-1/4 of the Public Utilities Act, of an automotive passenger service for the transportation of passengers, baggage and express between and serving the following named termini, and all intermediate points, and to consolidate the same with the remainder of its operating rights:

Between Niland and Brawley, and intermediate points via State Route 187, all within Imperial County, California.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby 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 concurrently or before the discontinuance of passenger trains Nos. 91 and 92 by Southern Pacific Company, operating between Niland and Calexico, 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 concurrently or before the discontinuance of passenger trains Nos. 91 and 92 by Southern Pacific Company, operating between Niland and Calexico, on not less than five days' notice to the Railroad Commission and the public, a time schedule or time schedules covering the service between Niland and Calexico substantially in accordance with Exhibit "B" attached to the application and in a form satisfactory to this Commission.
4. Said service shall stop at all passenger stations of Southern Pacific Company between Niland and Calexico, both included, to pick up and discharge passengers, and/or express, and to honor tickets of Southern Pacific Company destined to or departing from above points.
5. 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 as to property transported for or through the agency of Railway Express Agency, Inc., and milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation, to which said shipment restriction as to weight and vehicle shall not apply.
6. 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.
7. 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of February, 1938.

Walter Brown
Leon Campbell
Frank Allen

Commissioners