

Decision No. 40836.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SACRAMENTO NORTHERN RAILWAY for certifi-
cate of public convenience and necessity
to operate an auto stage line for the
transportation of passengers, baggage,
mail and express, as a common carrier, for
compensation, between Oroville and a
point near Oroville Junction in Butte
County, California, and intermediate points,

Application No.
21889.

ORIGINAL

BY THE COMMISSION:

O R D E R

Sacramento Northern Railway on April 18, 1938, filed with the Commission an application asking that it be granted a certificate of public convenience and necessity to operate an auto stage line for the transportation of passengers, baggage, mail and express, for compensation, between Oroville and a point near Oroville Junction and intermediate points.

Applicant alleges that due to unusual weather conditions the bridge across the Feather River upon applicant's branch line of railroad between Oroville and Oroville Junction was recently destroyed making it impossible to continue passenger train service which it has operated for many years, that there is no practical method of re-routing applicant's passenger trains either temporarily or permanently; and that it is necessary for applicant to transport its passengers and other traffic, customarily carried in passenger trains, by auto stage over public highways between Oroville and its main line of railroad near Oroville Junction, as a substitution for and in lieu of the train service heretofore operated between said points.

Applicant further alleges that by consolidating the proposed operations with its existing stage services, it is anticipated economy of operation with a maximum amount of service to the public can be accomplished.

It appears that no other passenger stages operate through the territory herein involved and that the application should be granted.

Sacramento Northern Railway 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 2½ 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:

Commencing from the Passenger Station of Sacramento Northern Railway in the City of Oroville, South along Meyers Street to High Street; thence West on High Street to State Highway #24 (Marysville Road); thence South on State Highway #24 to State Highway #21; thence West on State Highway #21 to County Road; and South on County Road to a junction with the main line of Sacramento Northern Railway, a distance of 1.15 miles South of Oroville Junction and a distance from point of beginning of 6.3 miles.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to Sacramento Northern Railway, 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 the 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. Applicant is authorized to turn its motor vehicles at termini, or intermediate points, either in the intersection of the streets or by operating around a block contiguous thereto, in either direction and to carry passengers as traffic requirements of the public bodies affected may require.
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.

For all other purposes the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd day of

May, 1938.

[Signature]
Leon Whelan
[Signature]
[Signature]
[Signature]
 Commissioners