

Decision No. 31142

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES, a corporation,) Supplemental
for removal of restriction between San) Application
Francisco and Sausalito) No. 16989

BY THE COMMISSION:

O P I N I O N

In this supplemental application Pacific Greyhound Lines seeks authority to transport passengers and their baggage between San Francisco and Sausalito via the Golden Gate Bridge.

The Commission, by its order in Decision No. 27880, dated April 8, 1935, in Application No. 19773, placed a restriction upon applicant's operation between San Francisco and Sausalito. (1)

At this time Pacific Greyhound Lines operates some ten schedules in each direction between San Francisco and points to the north of the so-called Manzanita Wye in Marin County via Sausalito. The primary purpose of operating these routes through Sausalito is to provide transportation between Sausalito and points north.

It is now proposed to transport passengers and their baggage between Sausalito and San Francisco on the buses operated between San Francisco and Marin County points via Sausalito, in other words, remove the restriction referred to above. In this service it is proposed to charge a fare of 25 cents per passenger one way and 45 cents round trip.

The only public transportation now offered locally between San Francisco and Sausalito is that provided by the Northwestern

(1) "IT IS HEREBY FURTHER ORDERED that Restriction No. 7 in Decision No. 23244, on Application No. 16989, be and it hereby is amended by striking therefrom all except the following:

"17. Between San Francisco and Sausalito no passengers or baggage shall be transported locally * * * *,"

"which sentence shall remain as a restriction."

Pacific Railroad Company through the operation of its ferry boats. Previous to July 24, 1938, Southern Pacific - Golden Gate Ferries, Ltd., operated ferry service for motor vehicles and pedestrians between San Francisco (foot of Hyde Street and the Ferry Building) and Sausalito. This service, however, has now been discontinued leaving only one common carrier in the field. The Northwestern Pacific Railroad Company has signified by letter that it is not opposed to the granting of this application, provided applicant establishes a fare of 25 cents one way and 45 cents round trip.

The Commission is in receipt of a number of requests for prompt action upon this application. In granting the application by ex parte order it should be understood that the question of fares is a matter which can be given further consideration at a later date when actual operating data is available.

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 by Pacific Greyhound Lines of an automotive passenger stage service as defined in section 2½ of the Public Utilities Act for the transportation of passengers and their baggage between San Francisco and Sausalito via the Golden Gate Bridge.

IT IS ORDERED that a certificate of public convenience and necessity therefor is granted to Pacific Greyhound Lines, not as a separate operating right, but, as an extension and enlargement of the operating right heretofore granted by Decision No. 23244, dated December 31, 1930, as amended.

IT IS FURTHER ORDERED that restriction No. 7 in Decision No. 23244, on Application No. 16929, as amended by Decision No. 27880, on Application No. 19773, referred to above, be and the same hereby is annulled.

The certificate of public convenience and necessity herein granted is subject to all the limitations and restrictions of Decision No. 23244, as amended herein, 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 and 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 the date hereof.

Dated at San Francisco, California, this 1st day of

August, 1938.

Robert W. Leland
Leon Whittell
George R. Nelson
Ray H. Wiley

COMMISSIONERS