

Decision No. 31342

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ANCHOR STAGES, CARL C. ALLEN (Owner)
for certificate of public convenience
and necessity to operate an automotive
passenger service between Sanger,
California and Parlier, California.

Application No. 22059

ORIGINAL

Carl C. Allen, in propria persona.

BY THE COMMISSION:

O P I N I O N

Carl C. Allen, the applicant herein, is engaged in the transportation of passengers and packages between Fresno and Sanger under a prescriptive operative right and between Fresno and Del Rey under a certificate granted by this Commission.

In this application authority is requested to establish and operate a passenger stage service for the transportation of passengers only, between Fresno and Parlier and intermediate points as an extension and enlargement of applicant's present operative right between Fresno and Sanger.

A public hearing thereon was held at Sanger on September 30, 1938 before Examiner Paul at which time the matter was taken under submission and is now ready for decision.

The applicant has been engaged in passenger stage service since the year 1915 and is now operating one International 1934 model 21 passenger capacity stage, with one 18 passenger capacity and one 22 passenger capacity stage in reserve. Applicant proposes two daily round trip schedules between Sanger and Parlier.

Five public witnesses testified as to the necessity of the proposed service. Two of these witnesses are, at the present time,

employed by the Pacific Greyhound Lines as ticket agents at Parlier and Reedley, respectively. One was formerly employed by Pacific Greyhound Lines as ticket agent at Dinuba. Each of these three witnesses testified that they have had frequent requests for transportation to Sanger by way of Parlier. Guy Johnson, the secretary of the Chamber of Commerce at Sanger, testified that he has had occasional inquiries with respect to public transportation facilities from Sanger to Parlier. Mike Vaznaian, who operates a barber shop adjoining applicant's Sanger depot, testified that due to the fact applicant's depot remains closed except for a short period of time prior to the arrival or departure of Sanger schedules he has had numerous inquiries with respect to transportation service from Sanger to Parlier. The applicant also testified that he has had numerous inquiries for service between Sanger and Parlier.

It appears in the testimony of all witnesses that the inquiries for transportation between Sanger and Parlier in all cases have been made by persons who are strangers in the district. No inquiries with respect to service between the points involved has emanated from any local residents who are fully acquainted with the only service available between such points.

Parlier lies about eight miles in a southerly direction from Sanger and is located upon the main line of The Atchison, Topeka and Santa Fe Railway Company. Sanger is located upon the Southern Pacific Company line. Public transportation between Sanger and Parlier may now be had by travel over a circuitous route via rail or stage or a combination of the two, approximately 36 miles in length through Fresno. The proposed extension of 8 miles will eliminate approximately 28 miles of travel.

There was no protest offered to the granting of the authority requested. The record shows that waivers of protest to the granting of such application have been received by the Commission

from Pacific Greyhound Lines, The Atchison, Topeka and Santa Fe Railway Company and the Santa Fe Transportation Company.

A review of the record leads to the conclusion that the service proposed is necessary and a certificate therefor will be granted.

Carl C. Allen 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

A public hearing thereon having been had, evidence adduced and the Commission now being fully advised therein,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by C. C. Allen, doing business as Anchor Stage Line, of an automotive service as a passenger stage corporation as defined in section 24 of the Public Utilities Act for the transportation of passengers for compensation between Sanger and Parlier and intermediate points, as an extension and enlargement of the prescriptive operative right now held by applicant, over the following route:

Beginning at 1435 7th Street in Sanger to "M" Street, to Kingsburg Avenue, to Adams Avenue, to Mendocino Avenue, to Parlier Avenue, to Fresno Street, to the intersection of Eye Street in Parlier.

IT IS ORDERED that a certificate therefor is hereby granted to C. C. Allen 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 is authorized to turn his motor vehicles at termini either in the intersection of the street or by operating around a block contiguous to such intersection in either direction and to carry passengers as traffic regulation of the municipalities may require.
3. 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.
4. 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.
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 twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of October, 1936.

Paul W. Ahern
Leon O'Connell
Francis P. Sullivan

COMMISSIONERS