

Decision No. 31717

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES for certificate)
of public convenience and necessity to)
operate automotive stage service for)
the transportation of passengers, bag-)
gage and express between West Lathrop)
and Wiggins Corner via Lathrop.)

Application No. 22539

BY THE COMMISSION:

O P I N I O N

By this application Pacific Greyhound Lines, a corporation, seeks a certificate of public convenience and necessity to establish and operate an automotive service as a common carrier of passengers, baggage and express between West Lathrop and Wiggins Corner via Lathrop as an extension and enlargement of its existing rights and consolidated therewith.

As justification for the granting of the authority sought herein applicant alleges as follows:

"Southern Pacific Company, in order to provide better connections between Stockton and Trains 51 and 52 at Lathrop, has requested Pacific Greyhound Lines to establish bus service between Stockton and Lathrop. In order to provide such service, applicant is hereby requesting certificate of public convenience and necessity to cover the use of County Highways between junction points on State Route 5 and the town of Lathrop proper. Lathrop is located approximately 1 mile east of State Highway 5. Applicant is now providing bus connections with Trains 51 and 52 at Tracy and it is proposed to change the junction point to Lathrop in order to permit an additional round trip to be operated and made a double connection both east and west at Lathrop, whereas the present connection at Tracy is only to and from the west."

Southern Pacific Company, the only common carrier operating between the points sought to be served by applicant has stated, in writing, that it endorses the application and has no protest thereon.

This appears to be a matter in which a public hearing is not necessary. It further appearing that the proposal is in the public interest the application 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.

ORDER

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 service as a common carrier of passengers, baggage and express as a passenger stage corporation as such is defined in section 24 of the Public Utilities Act between West Lathrop and Wiggins Corner via Lathrop as an extension and enlargement of applicant's existing rights, consolidated therewith, and subject to all restrictions and conditions heretofore imposed therein. The route over which this service is to be operated is hereby established by amending paragraph 30 of Decision No. 23244, in Application No. 16989, to read as follows:

- 30 - Between Stockton and San Joaquin Bridge via State Route 5 through West French Camp, West Lathrop and Wiggins Corner, service to and from Lathrop to be via County Highways between Wiggins Corner and West Lathrop.

The authority herein granted for the transportation of express is limited and subject to the restriction that no single package shall

be accepted for shipment in excess of one hundred (100) 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 or cream and empty containers of said commodities when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restriction as to weight and vehicle shall not apply.

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 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 two 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 two 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.

Los Angeles
Dated at ~~San Francisco~~, California, this 6th day of
February, 1939.

Rafaela...

Raymond...

Justus Z. ...
COMMISSIONERS