

that Decision No. 31739, dated February 14, 1939, be amended by substituting the routes described in Exhibits "E" and "F" attached to said supplemental application for those routes shown in Appendix "A" attached to and made a part of said Decision No. 31739.

Applicant alleges that the new routes will provide for an extended service reaching a larger residential territory and will serve a greater proportion of the city of Fresno and surrounding districts. The city of Fresno by Resolution No. 1271, dated April 13, 1939, approved the routing proposed by applicant herein.

It appears that the routings now proposed will reasonably well serve the city of Fresno and its immediate surrounding territory. However, if, after the operation has been in effect for a reasonable period of time, it should develop that certain changes should be made in the routing so as to better serve the public, such changes will be approved by supplemental order. The authority requested herein will therefore be granted with this understanding.

Fresno Traction Company 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 Fresno Traction Company, as a passenger stage corporation, as defined in section 24 of the Public Utilities Act

of an automotive passenger service for the transportation of passengers and parcels upon and along the routes described in Appendix "B" attached hereto and made a part hereof, in lieu of operation over the routes described in Appendix "A" attached to and made a part of Decision No. 31739.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Fresno Traction Company, 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 concurrently with the abandonment of service of the various street car lines as heretofore authorized by Decision No. 31739, but not to exceed ninety (90) days from the effective date of said Decision No. 31739 and shall prepare and file in triplicate and concurrently make effective on not less than one days' notice to the public and the Commission a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders reflecting the authority herein granted.
- (3) Applicant shall prepare and file, in duplicate, and make effective within a period not to exceed ninety (90) days after the effective date of Decision No. 31739, on not less than one days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the 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 regulations 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 this Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 20th day of
April, 1939.

Ray C. Crawford
Francis R. Brown
W. H. Kelly
W. H. Kelly
Justus F. Coe
COMMISSIONERS

APPENDIX "B"

DESCRIPTION OF ROUTES

REGULAR SERVICE

- #1 Between a loop around the blocks bounded by Blackstone Avenue, Home Avenue, San Pable Avenue and Olive Avenue, on the north, and a loop around the blocks bounded by "C" Street, California Avenue, Mayor Avenue and Ventura Avenue, on the south, via Ventura Avenue, "F" Street, Fresno Street, Fulton Street, Stanislaus Street and Blackstone Avenue.
- #2 Between a loop around the block bounded by Jones Avenue, Merced Street, Irwin Avenue and Fresno Street, on the south, and a loop around the blocks bounded by Blackstone Avenue, Home Avenue, San Pable Avenue and Olive Avenue, on the north, via Fresno Street, Fulton Street, Stanislaus Street and Blackstone Avenue.
- #3 Between a loop around the blocks bounded by Belmont Avenue, Millbrook Avenue, Harvey Avenue and First Street on the northeast, and a loop around the blocks bounded by Butler Avenue, Eighth Street, Lowe Avenue and Third Street, on the southeast, via Third Street, Hamilton Avenue, Fulton Street, Fresno Street, Fresno Avenue and Belmont Avenue.
- #4 Between a loop around the blocks bounded by Barton Avenue, Mono Street, Maple Avenue and Huntington Avenue, on the southeast, and a loop around the blocks bounded by Twelfth Street, Illinois Avenue, Sierra Avenue and Grant Avenue, on the northeast, via McKenzie Avenue, a loop around Ninth Street, Nevada Avenue and Eighth Street, thence via McKenzie Avenue, Orchard Street, East Tulare Street, Tulare Street, Fulton Street, Ventura Avenue, First Street and Huntington Blvd.
- #5 Between a loop around the blocks bounded by Van Ness Blvd., Dayton Avenue, Wishon Avenue and Shields Avenue, on the north, and a loop around the block bounded by Kern Street, Van Ness Avenue, Inyo Street and Fulton Street, on the south, via Fulton Street, North Fulton Street, Olive Avenue, Wishon Avenue, Brown Avenue, Van Ness Blvd., Weldon Avenue, Palm Avenue and Shields Avenue.
- #6 Between a loop around the block bounded by Olive Avenue, Fruit Avenue, Hedges Avenue and Vagedes Avenue, on the west, and a loop around the block bounded by Kern Street, Van Ness Avenue, Inyo Street and Fulton Street, on the south, via Fulton Street, North Fulton Street, Belmont Avenue, Roosevelt Avenue, Olive Avenue, Palm Avenue, McKinley Avenue, Harrison Avenue and Hedges Avenue.

- #7 Between a loop around the block bounded by Fresno Street, Hedges Avenue, Thesta Street and Hammond Avenue, on the north, and a loop around the block bounded by Lily Avenue, Belgravia Avenue, Rose Avenue and California Avenue, on the south, via California Avenue, Cherry Avenue, Fulton Street, Fresno Street and North Fresno Street.

OCCASIONAL SERVICE

- #1 Between the intersection of Home Avenue and Blackstone Avenue and the intersection of Wishon Avenue and Weldon Avenue, via Blackstone Avenue and Weldon Avenue.
- #2 Between the intersection of Weldon Avenue and Van Ness Blvd. and the intersection of McKinley Avenue and Wishon Avenue, via Echo Avenue and McKinley Avenue.
- #3 Between the intersection of Olive Avenue and Fruit Avenue and the intersection of Roosevelt Avenue and Belmont Avenue, via Olive Avenue, West Avenue and Belmont Avenue, and thence to the Crematory.
- #4 Between the intersection of Twelfth Street and Huntington Blvd. and the intersection of Barton Avenue and Mono Avenue, via Twelfth Street, Ventura Avenue and Barton Avenue.