

Decision No. 30000

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WILLIAM J. JONAS, to sell and ALAN G.
BYBEE and ALMA L. BYBEE, his wife, to
purchase an automobile passenger line
operated between Brisbane and Junction
of San Francisco and San Mateo County
Line, California.

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ORIGINAL

Application No. 22893

BY THE COMMISSION:

O P I N I O N

William J. Jonas has petitioned the Railroad Commission for an order approving the sale and transfer by him to Alan G. and Alma L. Bybee of an operating right for the automotive transportation as a carrier of passengers between Brisbane, San Mateo County, and the San Francisco County Line; and Alan G. and Alma L. Bybee have petitioned for authority to purchase and acquire said operating right and to hereafter operate, thereunder, the sale and transfer to be in accordance with an agreement, a copy of which, marked Exhibit "A," is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$1500. Of this sum \$1,000 is alleged by the applicant to be the value of the equipment and \$500 is alleged to be the value of the intangibles.

The operating right herein proposed to be transferred was acquired by Decision No. 32021, dated May 23, 1939, on Application No. 22731.

This appears to be a matter in which a public hearing is not necessary. The application will be granted.

Alan G. and Alma L. Bybee are 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

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is, granted subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicants shall not have complied with all of the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.
2. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission, or any other rate fixing body, as a measure of value of said property for rate fixing, or for any purpose other than the transfer herein authorized.
3. Applicant William J. Jonas shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, unite with applicants Alan G. and Alma L. Bybee in common supplement to the tariffs on file with the Commission covering the service given under the operative rights herein authorized to be transferred, applicant William J. Jonas withdrawing, and applicants Alan G. and Alma L. Bybee accepting and establishing, such tariffs and all effective supplements thereto.
4. Applicant William J. Jonas shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, withdraw all time schedules filed in his name with the Railroad Commission, and applicants Alan G. and Alma L. Bybee shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, file in duplicate in their own name time schedules covering service heretofore given by applicant William J. Jonas which time schedules shall be satisfactory to the Railroad Commission.

5. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been obtained.

6. No vehicle may be operated by applicants Alan G. and Alma L. Bybee unless such vehicle is owned by said applicant or is leased by them 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 9th day of August, 1939.

Raymond J. ...
Frank ...

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Justin J. ...
COMMISSIONERS