

Decision No. 33120

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SANTA FE TRANSPORTATION COMPANY, a )  
California corporation, for certifi- )  
cate of public convenience and )  
necessity to operate a passenger )  
stage service, as a common carrier )  
of passengers and baggage, between )  
Del Mar and Del Mar Race Track. )

Application No. 23411

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By this application Santa Fe Transportation Company seeks authority to establish and operate an automotive service as a common carrier of passengers and their baggage, between Del Mar, on the one hand, and Del Mar Race Track and Fair Grounds, on the other hand, as an extension and enlargement of applicant's existing rights as heretofore granted by this Commission in Decision No. 28606 and decisions supplementary thereto.

By Decision No. 32238, dated August 8, 1939, on Application No. 22141, applicant herein was authorized to establish a similar service to that now sought, except that operations were to be confined to the racing season and race days only. Subsequently, this authority was voided for failure of Santa Fe Transportation Company to comply with conditions attached to and made a part of the order.

The instant application requests this operating authority anew and further seeks to have the above-mentioned restriction deleted.

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

The Twenty-second Agricultural District has constructed a race track and fair grounds on the County Highway at Del Mar, California, approximately one mile from the main highway, and requests have been received by applicant for passenger stage service between said race track and fair grounds and other points served by applicant during such times as racing meets and other events are being conducted; and applicant proposes, in order to meet the demands of public convenience and necessity, to establish a coordinated and integrated stage service with the rail service of the Atchison, Topeka & Santa Fe Railway Company.

The service proposed is for the purpose of taking care of seasonal and special movements, is to be operated when traffic demands warrant with service and rates to be established in accordance with Exhibits "B" and "C" attached to and made a part of the application.

Pacific Greyhound Lines, the only other common carrier operating between the points involved here, has, in writing, waived objection to the granting of the application.

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

Santa Fe Transportation 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.

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 Santa Fe Transportation Company of an automotive service for the transportation of passengers and their baggage, as a passenger stage corporation, as such is defined in Section 27 of the Public Utilities Act, between Del Mar, on the one hand, and Del Mar Race Track and Fair Grounds, on the other hand, over and along the following route:

From the intersection of Grand Avenue and Highway No. 101 in the center of the business district of Del Mar, California; thence along Grand Avenue to the Santa Fe Spur Track; thence along County Road to the entrance of the fair grounds and race track; thence to San Diegueto Road and west on San Diegueto Road to Highway No. 101,

as an extension and enlargement of applicant's existing rights as heretofore granted by Decision No. 28606 and amendments thereto and subject to existing restrictions and limitations contained therein, subject to the following condition:

Service shall be rendered only during racing meets and other events at Del Mar Race Track and Fair Grounds and schedules commensurate with and dependant upon traffic demands shall be operated.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to Santa Fe Transportation Company, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant 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. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof.
3. Applicant herein and The Atchison, Topeka & Santa Fe Railway Company shall file with the Railroad Commission within a period not to exceed twenty (20) days documentary proof that they shall simultaneously inaugurate the coordinated and integrated rail and stage service between Los Angeles and San Diego and intermediate points and Del Mar Race Track and Fair Grounds.

4. Applicant herein and The Atchison, Topeka & Santa Fe Railway Company shall simultaneously inaugurate their proposed coordinated and integrated rail and stage service between Los Angeles and San Diego and intermediate points and Del Mar Race Track and Fair Grounds, subject to all of the conditions herein contained.

5. 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.

6. 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.

7. 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 ten (10) days from the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of May, 1940.

Ray & Riley  
Stewart B. Wiley  
Robert W. Babington  
W. M. A. W.  
Justus P. Green  
COMMISSIONERS