

Decision No. 23688

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CITIZENS TRANSIT COMPANY, a corporation,)
for a certificate of public convenience)
and necessity for the transportation of) Application No. 23688
passengers as a common carrier between)
points in and adjacent to the city of)
San Buenaventura, California, as an ex-)
tension of its present local service.)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Citizens Transit Company, a corporation, and applicant herein, is now engaged in the transportation of passengers as a passenger stage corporation in and about the city of San Buena-⁽¹⁾ventura, pursuant to a certificate of public convenience and necessity acquired by applicant in Decisions Nos. 25792 and 25850, dated April 3, 1933 and April 17, 1933, respectively, on Application No. 18718, and originally granted in Decision No. 25010, dated August 1, 1932, on Application No. 18142 to H. G. and M. L. Webster, and as subsequently extended, enlarged and consolidated by a certificate of public convenience and necessity granted in Decision No. 31592, dated December 27, 1938, on Application No. 22443.

(1) Citizens Transit Company also possesses an operative right for the automotive transportation of passengers and express (exclusive of Railway Express Agency shipments) limited to shipments of 100 pounds on passenger vehicles only, between Ventura and Ojai and intermediate points via La Crosse and Foster Park which is not here involved.

Applicant now seeks authority to extend its presently operated routes, as above referred to, a distance of one-half mile and to establish a new route, 2.7 miles long, within the city limits of the city of San Buenaventura.

As justification for the granting of the authority herein sought applicant alleges that in the past several years increased building activity in and around the area proposed to be served has resulted in numerous requests from home owners and civic organizations for establishment of the additional services proposed. The projected operation has also been favored by the city itself. Exhibits "A" and "B" consisting of letters from the City Clerk of the city of San Buenaventura and the Ventura Chamber of Commerce wherein these bodies approve and request establishment of applicant's proposed services, are attached to the application.

In the operation of these additional services applicant proposes to maintain the five (5) cent fare now in effect on its existing local route and will afford transfer privileges between the two routes established. Present time schedules will be maintained over the extended route proposed and the new route will be afforded a daily service on a thirty minute headway, leaving respective termini between the hours of 6:10 A.M. and 9:40 P.M. and 6:25 A.M. and 9:55 P.M.

No other common carrier service is now available between the points proposed to be served by applicant which asserts that it is ready, willing and able to carry out its proposal.

This appears to be a matter in which a public hearing is not necessary and it further appears that the establishment and operation of the extended service and new routing is in the public

interest. The application will be granted.

Citizens Transit 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 Citizens Transit Company of an automotive service, as a passenger stage corporation, for the transportation of passengers over and along the following routes in and about the city of San Buenaventura, as an extension and enlargement of its existing rights as heretofore acquired and granted by Decisions Nos. 25850 and 31592:

1. Extension to present route: Commencing at the present eastern terminus at the intersection of Howard Street and Ocean Avenue; thence north on Howard Street to Thompson Avenue; easterly on Thompson Avenue to Borchard Drive; northerly on Borchard Drive to Main Street; easterly on Main Street to "Five Points" and Thompson Avenue; returning westerly on Thompson Avenue to Howard Street, thence present route; distance of extension - .5 miles. (One-half mile).

2. Proposed new route: Commencing at the intersection of Dalton Street and Foothill Road; thence westerly on Foothill Road to Santa Paula Street; northerly on Santa Paula Street to McKinley Drive; westerly on McKinley Drive to Seaward Avenue; southerly on Seaward Avenue to Main Street; westerly on Main Street to Catalina Street; southerly on Catalina Street to Thompson Avenue; westerly on Thompson Avenue to East Meta Street; westerly on East Meta Street to Oak Street; northerly on Oak Street to Main Street. Returning easterly on Main Street to California Street; southerly on California Street to East Meta Street, thence via same route to point of commencement; distance of proposed new route - 2.7 miles. (Two and seven-tenths miles).

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

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all 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 thirty (30) days from the effective date hereof.
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 (10) 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 triplicate, 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 (5) 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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 22 day of October, 1940.

Ray L. Riley
Franklin
Ralph
H. Baker
Justus J. Calver
COMMISSIONERS