

Decision No. 33616

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BEVERLY)
GIBSON, d.b.a. River Auto Stages and/or)
Gibson Lines, to sell, and CALIFORNIA-NEVADA)
STAGES, INC., a corporation, to purchase,)
the operative rights, automotive equipment,)
and personal property used by Beverly Gibson,)
doing business as aforesaid as a passenger)
stage corporation, between certain points in)
the State of California.)

Application
No. 23769

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Beverly Gibson has petitioned the Railroad Commission for an order approving the sale and transfer by him to California-Nevada Stages, Inc., of operative rights for the transportation of passengers, baggage, and express, as a passenger stage corporation, between certain California points, together with certain automotive equipment and other personal property. California-Nevada Stages, Inc. has petitioned for authority to purchase and acquire said operative rights and property, and hereafter to operate thereunder. The sale and transfer is to be made in accordance with an agreement, a copy of which, marked Exhibit "A," is attached to the application herein and made a part thereof.

It appears from Exhibit "A" that Beverly Gibson is indebted to California-Nevada Stages, Inc. in the amount of \$41,164.68. It further appears that applicants have agreed that the operative rights and property hereinabove referred to are to be transferred to and acquired by California-Nevada Stages, Inc. in consideration of the sum now owing to it by said Gibson.

The operative rights herein proposed to be transferred are the passenger stage operative rights created by the following

decisions of the Commission: (1)

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
24147	10-19-31	14026
28148	12-16-35	19969
29781	5-24-37	19969
32822	2-20-40	22970
33052	4-30-40	23370
33488	9-17-40	(19969 (21931 (23264

and any and all amendments thereto.

California-Nevada Stages, Inc. further requests that the Commission grant to it a certificate de novo in lieu of all of its presently owned operative rights, as well as in lieu of those to be acquired from Beverly Gibson.

The present operative rights of California-Nevada Stages, Inc. are passenger stage rights in general between Sacramento and Chico, via both Roseville and Nicolaus, and Marysville created by the following decisions of the Commission:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
12650	9-24-23	8891
14657	2-17-25	10828
14756	4--7-25	10907
21143	5-24-29	15226
23347	2--2-31	17041
15013	6--6-25	10598
19167	12-23-27	12474
29265	11--9-36	20695
32823	2-20-40	22969
33488	9-17-40	19954 - 23271

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted.

(1) The highway common carrier operative right between Sacramento and Rio Vista and intermediate points, created by Decision No. 24147, on Application No. 14026, is not involved in this transfer.

California-Nevada Stages, Inc. 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

IT IS ORDERED that Beverly Gibson is hereby authorized to transfer to California-Nevada Stages, Inc., a corporation, and California-Nevada Stages, Inc. is hereby authorized to acquire the operative rights and property referred to in the foregoing opinion in accordance with the terms of the agreement, marked Exhibit "A," attached to the application herein, as an extension and enlargement of its presently held operative rights, and to hereafter operate thereunder, subject to the following conditions:

- (1) 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.
- (2) Applicant Beverly Gibson shall within thirty (30) days after the effective date of the order herein, and upon not less than one (1) day's notice to the Commission and the public, unite with applicant California-Nevada Stages, Inc. 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 Beverly Gibson withdrawing, and applicant California-Nevada Stages, Inc. accepting and establishing such tariffs and all effective supplements thereto.
- (3) Applicant Beverly Gibson shall within thirty (30) days after the effective date of the order herein, and upon not less than one (1) day's notice to the Commission and the public, withdraw all time schedules filed in his name with the Railroad Commission.
- (4) California-Nevada Stages, Inc., and Beverly Gibson, d.b.a. River Auto Stages shall within thirty (30) days after the transfer of said operative rights and property file with the Commission for its approval the book entries by which they propose to record said transaction.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the estab-
lishment and operation by California-Novada Stages, Inc. of an
automotive service for the transportation of passengers, baggage,
and shipments of express weighing not in excess of one hundred (100)
pounds on passenger carrying vehicles, as a passenger stage corpor-
ation, as defined by section 2 $\frac{1}{2}$ of the Public Utilities Act, be-
tween the following named termini and all intermediate points:

1. Between Sacramento and Lodi, via Franklin and Thornton
(Lower Stockton Road).
2. Between Lodi and Stockton, via both Cherokee Lane and
Lower Stockton Road.
3. Between Walnut Grove and Thornton.
4. Between Sacramento and San Francisco, via Freeport
(River Road), Hood, Vardon, Isleton, Antioch, Pitts-
burg, Port Chicago; and from Port Chicago, via main
highway to Clyde and Concord, and an alternate route
between Willow Pass Junction and Concord via Willow
Pass Road; thence through Concord via Silvio Street and
Galindo Street; thence via main highway through Victory
Junction to Walnut Creek; thence via Tunnel Road and Low
Level Tunnel, passing through Lafayette and Orinda Junc-
tion to Broadway, Oakland; thence along Broadway to 20th
Street; thence along 20th Street to Telegraph Avenue;
thence along Telegraph Avenue to Oakland Stage Depot -
National Trailways System (18th Street and Telegraph
Avenue); thence west on 18th Street to Cypress Street,
City of Oakland; thence along Cypress Street and the
San Francisco-Oakland Bay Bridge to the end of the
truck ramp at Harrison Street in the City and County
of San Francisco; thence along Harrison Street to 4th
Street; thence along 4th Street to the permanent Santa
Fe terminal located at 4th Street between Mission Street
and Market Street; thence returning along 4th Street to
Folsom Street; thence along Folsom Street to Essex
Street; thence along Essex Street to the truck ramp
of the San Francisco-Oakland Bay Bridge and return to
point of beginning.
5. Between Rio Vista and Suisun, via Donvorton (Rio Vista
Junction).
6. Between Sacramento and Represa, via Mills Road and
Folsom.

7. Marysville to Sacramento, via Rio Oso: Commencing at stage depot at Second and D Streets, Marysville, west on Second Street to E Street; thence south on E Street to First Street; thence east on First Street to D Street; thence south on D Street, crossing Yuba River Bridge to the Rio Oso-Arboga Highway; thence via the Rio Oso-Arboga Highway to Rio Oso, passing through Alicia and Arboga; thence east and south via County highway to Ninth Street and Dol Paso Boulevard, North Sacramento, passing through Trowbridge, Pleasant Grove, Riogo, Elverta, Rio Linda, Robla, and Dol Paso Heights; thence via U. S. Highway 99-E, through North Sacramento to Twelfth Street; thence south on Twelfth Street to I Street; thence west on I Street to Fifth Street; thence south on Fifth Street to Sacramento Bus Depot, 915 5th Street.
8. Between Sacramento and Marysville, via Roseville and Lincoln (U.S. Highway No. 40 and U.S. Highway No. 99-E).
9. Between Bon Ali and Roseville and intermediate points, via Army Air Base and Antelope.
10. Between Sacramento and Marysville, via American River Bridge, Verona, Nicolaus, and Tudor (Garden Highway).
11. Between Marysville and Chico: Commencing at stage depot at Second and D Streets, Marysville; north on D Street to Fifth Street; west on Fifth Street crossing over Feather River to Yuba City; thence north on Plumas Street to U.S. Highway 99-E; thence north on U.S. Highway 99-E through Live Oak and Gridley to Biggs Junction; thence along County Road west to Biggs; thence along County Road east, returning over the same route to Biggs Junction; thence north on Highway 99-E to Oroville Wye; thence west via U.S. Highway 99-E to Richvale; thence north via U. S. Highway 99-E through Nelson and Durham to Chico; thence north on Park Avenue and Main Street to Third and Main Streets, Chico;

subject to the following restrictions:

1. Passenger stage service may be operated on an "on call" or "on request" basis between Rio Vista and Rio Vista Junction.
2. Passenger stage service between Rio Vista Junction and Suisun may continue to be suspended until otherwise directed.
3. No passengers, baggage, or express having both points of origin and destination in San Francisco or Oakland on the one hand and Sacramento or Marysville on the other hand, excluding intermediate points, shall be transported.
4. No passengers, baggage, or express shall be transported between Woodbridge, Lodi, Stockton, and intermediate points on the one hand and Oakland or San Francisco on the other hand.

5. No passengers, baggage, or express, having both points of origin and destination between San Francisco and Los Medanos (a point approximately midway between Antioch and Pittsburg) and intermediate points, including San Francisco, excluding Los Medanos, shall be transported.
6. No passengers, baggage, or express shall be transported between Marysville and Yuba City.
7. No passengers, baggage, or express, having either point of origin or destination between Chico and Marysville-Yuba City and intermediate points, both points inclusive, on the one hand, and San Francisco or Oakland on the other hand shall be transported.
8. No passengers, baggage, or express shall be transported between Sacramento, on the one hand, and the territory North Sacramento to Rio Linda, excluding North Sacramento, on the other hand.
9. No passengers, baggage, or express shall be transported having both point of origin or destination between North Sacramento and Rio Linda, both points inclusive, and intermediate points.

IT IS ORDERED that a certificate de novo is hereby granted to California-Nevada Stages, Inc., in lieu of, and not in addition to, the operative rights referred to in the foregoing opinion, subject to the following conditions:

- (1) 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.
- (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 one (1) day's notice to the 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 conform to the certificate herein granted, or rates and rules satisfactory to the Commission.
- (3) 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 one (1) day's notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred, nor assigned unless the written consent of the 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 Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini, 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 municipality may require.

IT IS FURTHER ORDERED that the operative rights referred to in the foregoing Opinion are hereby revoked and annulled save and except, however, the highway common carrier operative right of Beverly Gibson, between Sacramento and Rio Vista and intermediate points, created by Decision No. 24117, on Application No. 14026.

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

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

Ray & Rice
James R. Rice
Wayward

Justin F. Casner
Commissioners