

Decision No. \_\_\_\_\_

OFFICE OF THE ATTORNEY GENERAL  
STATE OF CALIFORNIA

W. S. Park and W. Tucker, a  
and operate an auto-  
of passengers, baggage and  
Kern  
the right to serve  
route traversed.  
the authority sought,

of the San Joaquin Hills  
Lancaster and San Francisco  
the Pacific Railway between  
thirty miles northeast of Lancaster, adjacent to  
dry lake, and in a sparsely settled area suitable  
as a training and practice ground for military  
service.

"Lancaster is the commercial center to which Maroc  
and all adjacent territory is tributary and there are  
located in Lancaster numerous stores, supply houses,  
theatres, doctors and other professional offices and  
various business establishments, to which persons re-  
siding in Maroc would be expected to come from time to  
time. Lancaster is also the nearest point to Maroc on  
the direct rail and highway route to Los Angeles and  
San Francisco and will, therefore, be the point of

*CORRECTION*

# CORRECTION

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

Decision No. 23657

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
C. E. PARK and M. TUCKER, for a cer- )  
tificate of public convenience and )  
necessity to operate a passenger )  
stage service as a common carrier )  
between Lancaster and Muroc, Calif- )  
ornia, and intermediate points. )

Application No. 23766

BY THE COMMISSION

O P I N I O N

This is an application by C. E. Park and M. Tucker, a co-partnership, for authority to establish and operate an automotive service as a common carrier of passengers, baggage and express between Lancaster, Los Angeles County, and Muroc, Kern County, and all intermediate points including the right to serve any point within one mile on either side of any route traversed.

As justification for the granting of the authority sought, applicants allege as follows:

"Lancaster is a city of approximately 3000 population, and is located on State Highway No. 6 and on the main line of the Southern Pacific Railroad between Los Angeles and San Francisco. Muroc is a station on the Santa Fe Railway between Mojave and Barstow, approximately thirty miles northeast of Lancaster, adjacent to a large dry lake, and in a sparsely settled area suitable for use as a training and practice ground for military air service.

"Lancaster is the commercial center to which Muroc and all adjacent territory is tributary and there are located in Lancaster numerous stores, supply houses, theatres, doctors and other professional offices and various business establishments, to which persons residing in Muroc would be expected to come from time to time. Lancaster is also the nearest point to Muroc on the direct rail and highway route to Los Angeles and San Francisco and will, therefore, be the point of

connection and interchange for persons traveling by rail and common carrier stage between Los Angeles and Muroc. Lancaster and Muroc are connected by paved secondary roads affording a direct route over which applicants propose to operate.

"Plans have recently been announced by the United States Government for the immediate establishment of an airplane bombing school and practice grounds to be located at Muroc. Construction work in connection with this project has already commenced and will involve the establishment of living quarters and other facilities for the housing and maintenance of approximately 5,000 persons, to be stationed or employed at Muroc. Both during the construction and after the establishment of said military facilities at Muroc, there will be a need and demand for transportation facilities for passengers, baggage and express between Muroc and Lancaster. Under conditions which now exist, this need can only be met by the employment of private vehicles or the use of a circuitous rail route via Mojave or Los Angeles, involving a change of cars at said points."

Applicants further alleged that there are no common carrier facilities now available between the points or over the routes named and point out that the proposed service will directly serve a public project concerned with national defense. Therefore, it is stated, there is an immediate need for the establishment of such a public transportation service.

Two round trips daily are to be established, leaving Lancaster at 6:45 A.M. and 3:45 P.M. and leaving Muroc at 8:30 A.M. and 5:00 P.M. An approximate running time of 45 minutes is given for the 30 minute one-way trip. Initial equipment will consist of one or more Chevrolet station wagons having a seating capacity of 9 passengers each, to be supplemented later by passenger buses of modern design capable of seating approximately 14 passengers. The service will be inaugurated with one station wagon, with additional units to be added as demand warrants.

The route to be traversed is over paved secondary roads as delineated and set forth on a map marked Exhibit "C," attached to and made a part of the application.

One way, round trips and commutation fares will be established as set forth in Exhibit "A," attached to the application. In the transportation of express, no shipments in excess of 100 pounds are to be transported.

Applicants state that they are both men of financial responsibility and C. E. Park, who will have immediate supervision and management of the proposed service, has had approximately 1½ years of passenger carrier and 14 years of freight carrier experience.

Applicants' proposal appears to be in the public interest and one not requiring a public hearing. The application will be granted.

C. E. Park and M. Tucker 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 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 C. E. Park and M. Tucker, a co-partnership, of an automotive service as a passenger stage corporation, as such is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and express limited to shipments not in excess of 100 pounds and transported on passenger vehicles between Lancaster, Los Angeles County, and Muroc, Kern County, and

all intermediate points over and along a route as delineated upon a map, marked Exhibit "C," attached to the application herein, including the right to serve laterally one mile on either side of the route traversed.

IT IS ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to C. E. Park and M. Tucker, 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. Applicants 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. Applicants 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. Applicants 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 applicants herein unless such vehicle is owned by said applicants or is leased by applicants 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 7<sup>th</sup> day of November, 1940.

*Ray L. Rice*  
*Stanley White*  
*Kalwanahup*

COMMISSIONERS