

Decision No. 23901

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES to reroute) Application No. 23901
its service between Gills Ranch and)
East Davis.)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Pacific Greyhound Lines by the above-entitled application requests authority to abandon its present route between Gills Ranch and Woodland Junction and to reroute its service over a newly constructed highway between the two points. Applicant also asks permission to use the new highway between Woodland Junction and East Davis as an alternate route. Authority to operate between South Davis and the town of Davis proper is requested, too, in order that schedules using the new route may be diverted through Davis when necessary.

Passengers, baggage, and express are now transported by applicant between Dixon and Davis Junction via State Route No. 7, U. S. Highway No. 40, through Gills Ranch, Woodland Junction, and Winters Junction, and between Davis Junction and Sacramento via State Route No. 6, U. S. Highway No. 40, through Davis and East Davis.

It is alleged in the application that a portion of State Route No. 6, between Gills Ranch and East Davis, is being relocated by the State Highway Commission. This project, it is

said, involves the construction of 7.3 miles of new highway, certain bridges, and an underpass beneath the Southern Pacific Company's rail line. Applicant asserts that the new thoroughfare will shorten the distance between Dixon and Davis by 3.25 miles. It is stated that this highway is being constructed to exceptionally high standards and consists of two lanes in each direction, with a center separation. The application avers that curvatures will be reduced from 612 degrees to 144 degrees. Five of the curves on the old road were right angle turns with short radii.

Applicant is not authorized at the present time to serve South Davis which is adjacent to but not a part of Davis. Pacific Greyhound Lines desires to render service at South Davis and to operate via that point when it becomes necessary, in using the new route, to go through Davis.

The road now employed between Gills Ranch and Woodland Junction will undoubtedly fall into disuse upon completion of the new highway. Applicant should be permitted to take advantage of the better traveling facilities to be afforded which will enable it to improve its service.

Full consideration has been given to this application. It appears that it will be in the public interest to permit Pacific Greyhound Lines to reroute its service, in order to make use of the new route, to the extent requested. The Commission is of the opinion that this is a matter in which a public hearing is not necessary. The application will be granted.

Pacific Greyhound Lines 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 having fully considered Application No. 23901 and the evidence pertaining thereto, hereby finds and declares that public convenience and necessity require the establishment and operation by Pacific Greyhound Lines of an automotive passenger stage service, as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage, and express over new State Route No. 6 between Gills Ranch and Woodland Junction as a rerouting of its present operation between such points; over new State Route No. 6 between Woodland Junction and East Davis as an alternate route to that now employed; between South Davis and Davis when it is necessary, in using the new route, to go through Davis; and to abandon the present route used between Gills Ranch and Woodland Junction.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is granted to Pacific Greyhound Lines authorizing it to operate an automotive passenger

stage service for the transportation of passengers, baggage, and express over the routes and in the manner hereinabove described, 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 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.

IT IS HEREBY FURTHER ORDERED that Pacific Greyhound Lines be and it is authorized to abandon its present route between Gills Ranch and Woodland Junction.

Dated at San Francisco, California, this 10th day of January, 1941.

[Signature]
[Signature]
[Signature]
Justice J. Calmes
Francis R. Havens
COMMISSIONERS