

Decision No. 111124

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
HENRY F. ADAMS, W. PAUL BUTLER, and )  
ALBERT C. HAMLIN, doing business )  
under the firm name and style of ABH )  
LINES, for a certificate of public )  
convenience and necessity to operate )  
an automotive stage service for the )  
transportation of passengers and bag- )  
gage between Riverside and Camp Haan, )  
Riverside County, California. )

Application No. 23938

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

Henry F. Adams, W. Paul Butler, and Albert C. Hamlin, doing business as ABH Lines, filed an application January 16, 1940 in the above-entitled proceeding requesting a certificate to operate a passenger stage service between Riverside and Camp Haan. The camp is located approximately ten miles south of Riverside near Alessandro.

The Federal Government is now in the process of constructing certain improvements and facilities for troops at Camp Haan as part of the United States Army expansion and training program. The camp is an anti-aircraft training center. At the present time about 2,000 officers and men are stationed there. It is alleged in the application that new troops are arriving daily and there will be from 15,000 to 18,000 troops quartered there by March 15, 1941. The officers in charge of said camp expressed a desire to have applicant's service. It is felt, apparently, that dependable public conveyances are needed to afford the army personnel transportation facilities between Camp Haan and Riverside.

Applicants propose to charge a fare of 15 cents one way and 25 cents round trip. It is also planned to sell commuter's books for \$1.00, containing ten tickets which will be honored for a period of thirty-one days from the date of sale. Hand baggage of passengers will be transported without additional charge. Applicant contemplates the rendition of an on-call service from 5:00 A.M. each day to 1:00 A.M. the following day.

Common carrier service is now rendered between Riverside and Camp Haan by The Atchison, Topeka and Santa Fe Railway and by M. C. Yahne, Inc., doing business as Inland Stages. The railroad company operates two schedules daily, except Sunday, to Alessandro, the station adjoining Camp Haan. Although these are mixed trains which will carry passengers, they are used principally to transport freight. A letter written by M. C. Yahne, president of Inland Stages, is attached to the application. He states therein that he has no objection to the granting of a certificate to ABH Lines. It is evident that the service rendered by these two carriers would not be adequate to meet the peak demands for transportation at the camp when soldiers are going on leave or returning therefrom.

It appears from the application and the exhibits attached thereto that the applicants are financially able to conduct the operation proposed.

Full consideration has been given to this application. The Commission is of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

Henry F. Adams, W. Paul Butler, and Albert C. Hamlin, doing business as ABH Lines, 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 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. 23938 and the evidence pertaining thereto, hereby finds and declares that public convenience and necessity require the establishment and operation by Henry F. Adams, W. Paul Butler, and Albert C. Hamlin, doing business as ABH 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 between Riverside and Camp Haan.

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Henry F. Adams, W. Paul Butler, and Albert C. Hamlin, doing business as ABH Lines to operate an automotive stage service for the transportation of passengers between Riverside and Camp Haan, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicants 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. 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 21<sup>st</sup> day of January, 1941.

[Signature]  
[Signature]  
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COMMISSIONERS