

Decision No. 36492

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GREYHOUND LINES for a certifi-
cate of public convenience and necessity
authorizing the transportation of
passengers and baggage between San Diego
on the one hand, and Camp Miramar, Camp
Linda Vista, and Camp Elliot, on the
other hand, and to consolidate such
operation with the remainder of its
system.

Application No. 25683

BY THE COMMISSION:

O P I N I O N

In the above entitled application Pacific Greyhound Lines, a corporation, requests the Commission to issue to it a certificate of public convenience and necessity authorizing the transportation of passengers and baggage between San Diego, on the one hand, and Camp Miramar, Camp Linda Vista and Camp Elliot, on the other hand, without service to or from points intermediate to San Diego and Camp Elliot, for a period limited to expire 180 days after the cessation of the present war shall have been officially proclaimed. It is stated that Camp Elliot, Camp Linda Vista and Camp Miramar are situated 13, 14 and 15 miles, respectively, from San Diego on U. S. Highway No. 395. The proposed fare between San Diego and Camp Elliot is twenty cents. Between San Diego and Camp Miramar and Camp Linda Vista the proposed one way and round trip fares are twenty-five cents and forty-five cents, respectively.

In support of the authority sought applicant alleges that the camps referred to are located about one mile apart; that there are stationed there a large number of men in military training and service and it is estimated that a considerable number of passengers will desire transportation in each direction daily, such passengers moving at all hours of the day and night. On this account a very frequent day and night service is proposed. Applicant asserts that there is no common carrier service between these camps and San Diego except a special stage service performed by M. C. Yahne, Inc., doing business as Inland Stages. It is further stated that this carrier has encountered certain operating difficulties in endeavoring to render this special service which it desires to withdraw. Inland Stages has informed the Commission in writing that it does not desire to oppose the application. To conduct this operation applicant states it has arranged to acquire by purchase from M. C. Yahne, Inc. ten pieces of equipment now devoted to this special service which will be used to care for normal requirements. For the occasional unusual transportation demands applicant will use other of its equipment that can be made available at San Diego.

After full consideration of this application we are of the opinion that the authority sought is in the public interest and should be granted. No public hearing is necessary.

Pacific Greyhound Lines is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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 being hereby found that public convenience and necessity so require;

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Pacific Greyhound Lines, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2½ of the Public Utilities Act, for the transportation of passengers and baggage between San Diego, on the one hand, and Camp Miramar, Camp Linda Vista and Camp Elliot, on the other hand, without service to or from points intermediate to San Diego and Camp Elliot, as an extension and enlargement of the operative right heretofore created by Decision No. 23244, dated December 31, 1930, subject to the following conditions:

- (1) The authority herein granted is subject to the provisions of section 52(b) of the Public Utilities Act and further to the condition that Pacific Greyhound Lines, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such rights.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate the following service regulations shall be observed:

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 comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order applicant shall conduct said passenger stage service over and along the following route:

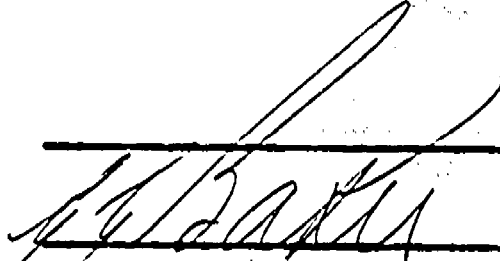
Beginning at the intersection of First and Broadway, San Diego, thence via Broadway, Kettner Boulevard, La Jolla Avenue, San Diego Avenue, Taylor Street, Morena Boulevard, Linda Vista Road and U. S. Highway No. 395.

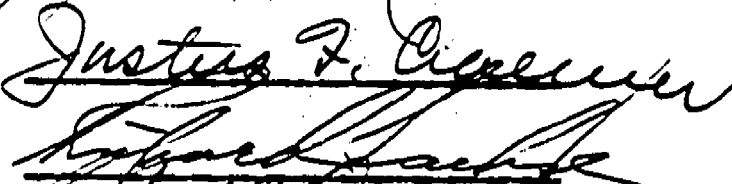
4. Applicant may turn its motor vehicles at terminus or intermediate points either in the intersection of the street or by operating around a block, contiguous to such intersection, in either direction.


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

Dated at San Francisco, California, this 20th day of

July, 1943.



Justice F. Casper


Richard L. Smith


J. M. Wilson
COMMISSIONERS