

36521

Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ALBERT E. WARBURTON for certificate)
of public convenience and necessity)
to operate an automobile passenger)
bus service between Martinez, Contra)
Costa County, California, and)
Permanente Metals Corporation Ship-)
yards Nos. 1, 2, 3, and 4, situate)
in Richmond, Contra Costa County,)
California.)

Application No. 25622

BY THE COMMISSION:

O P I N I O N

Albert E. Warburton, in an amended application, requests a certificate of public convenience and necessity to establish and operate an automotive service for the transportation of passengers between Martinez and Permanente Metals Corporation Shipyards Nos. 1, 2, 3 and 4, and intermediate points. The shipyards are located in Richmond, California.

It is alleged in the application that large numbers of defense workers are employed at the four yards mentioned, and that with many of them transportation to and from work is a serious problem. The housing facilities in Richmond are naturally limited and employees must look elsewhere for living quarters.

The shipyards operate on a 24-hour basis and work three shifts. Time schedules for the proposed service are arranged in conformity with the movement of the shifts.

Only shipyard employees will be handled. No stops will be made in the city of Richmond except at the shipyards. Stops in

Martinez, Pinole and other points will be made only to pick up or discharge employees.

One way fare from or to Martinez, to or from any of the shipyards, is fixed at 25 cents, round-trip 50 cents. It appears that applicant has sufficient equipment to carry on the proposed service.

The certificated carriers who are rendering passenger service in this area do not oppose the granting of the application.

The service as proposed seems to be a necessary one and the application will be granted. A public hearing is not required.

Albert E. Warburton 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 IS ORDERED that a certificate of public convenience and necessity is hereby granted to Albert E. Warburton authorizing the establishment and operation of a passenger stage service, as that term is defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the

transportation of passengers between Martinez and Permanente Metals Shipyards Nos. 1, 2, 3 and 4, located in Richmond, California, and intermediate points, 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 Albert E. Warburton, his 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.
- (2) No passengers may be transported except those having either point of origin or point of destination at one or the other of the shipyards hereinabove described.

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 five (5) days' 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 routes:

Beginning at 520 D Street, Martinez, via Alhambra Avenue to Shell Avenue; via Shell Avenue to Monterey Street, Mountain View District; via Monterey Street to Palm Avenue; via Palm Avenue to Sycamore Street; via Sycamore Street to Veale Street; via Veale Street to Pacheco Boulevard; via Pacheco Boulevard to Pine Street, Martinez; via Pine Street to Ward Street; via Ward Street to Alhambra Avenue; via Alhambra Avenue to Franklin Canyon Road; via Franklin Canyon Road to San Francisco-Sacramento Highway; via U.S. Highway No. 40 through Pinole to San Pablo Avenue.

Routes to all Shipyards are the same to this point, and routes to the various Shipyards are as follows:

- To Shipyard No. 1 - Leave San Pablo Avenue at 13th Street; via 13th Street to 10th Street, Richmond; via 10th Street to Cutting Boulevard; via Cutting Boulevard to 4th Street and Shipyard No. 1.
- To Shipyards Nos. 3 and 4 - San Pablo to 13th Street; via 13th Street to Pennsylvania, Richmond; via Pennsylvania to 6th Street; via 6th Street to Barrett Avenue; via Barrett Avenue to Garrard Boulevard; via Garrard Boulevard to Cutting Boulevard to yards Nos. 3 and 4.
- To Shipyard No. 2 - 23rd Street gate; San Pablo Avenue to 23rd Street; via 23rd Street to its end and the 23rd Street gate of Shipyard No. 2.

To 14th Street gate of Shipyard No. 2, San Pablo Avenue to 23rd Street, via 23rd Street to Cutting Boulevard; via Cutting Boulevard to 14th Street and the 14th Street gate at Shipyard No. 2.

4. Applicant may turn its motor vehicles at termini 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 27th day of July, 1943.

Francis A. Havenner

A. J. Kelly

Richard Kachse

Francis Oliver

Commissioners