

Decision No. ~~36587~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
C. O. LANDRUS, dba DOUGLAS AIRCRAFT)
BARSTOW BUS LINE for certificate of)
public convenience and necessity to)
operate passenger and baggage)
transportation by motor bus service,)
as a common carrier, between Douglas)
Aircraft Modification Center, Daggett,)
Marine Base, and Barstow.)

ORIGINAL

Application No. 25732

BY THE COMMISSION:

O P I N I O N

C. O. Landrus, doing business under the name of Douglas Barstow Bus Line, has applied for a certificate of public convenience and necessity to establish and operate a passenger stage service between Douglas Aircraft Modification Center and Barstow, California, and intermediate points.

Douglas Aircraft Modification Center is situated about sixteen miles east of Barstow. The application alleges that one thousand civilian defense workers are employed at the Center, of whom approximately two hundred live in nearby towns, principally Barstow and Daggett. Facilities for transporting these workers are limited to privately owned automobiles, and the sharing of rides is not practical because of the staggered working hours. Applicant urges the granting of this application so as to afford a public passenger stage service to these employees, and to residents of the Center who desire to transact business in Barstow.

Pacific Greyhound Lines and Santa Fe Transportation Company, the two agencies now conducting public transportation service in this area, have advised the Commission that they are not protesting the granting of the application.

Applicant proposes to operate an "on call" service and has available a 28-passenger bus. One way fare between Barstow and the Center is fixed at 25 cents, and between Barstow and Daggett, 20 cents. A 20-round trip commutation book between Barstow and the Center will be issued at a cost of \$9.

It appears to us that public convenience and necessity require the service as proposed and the application will therefore be granted. A public hearing is not necessary.

C. O. Landrus 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

Application having been made in the above entitled matter, and the Commission being advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to C. O. Landrus authorizing the establishment and operation of a passenger stage service as that term is defined in Section 24 of the Public Utilities Act, for the transportation of passengers between Barstow and Douglas Aircraft Modification Center, and intermediate points, subject to the following conditions:

The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that C. O. Landrus, 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.

IT IS FURTHER ORDERED that in the operation of said passenger stage service applicant shall comply with and observe the following service regulations:

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, conduct said passenger stage operations over and along the most appropriate route or routes between the points herein authorized to be served.

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

Dated at San Francisco, California, this 24th day of August, 1943.

Francis D. Habemus
J. J. Latta
Justus F. Craven
Richard L. Lach
Edmund W. Wilson
 COMMISSIONERS