

Decision No. 36852

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC GREYHOUND LINES, a corporation, )  
for a certificate of public convenience )  
and necessity in lieu of operating rights )  
previously granted for the transportation )  
of passengers, baggage and express between )  
Santa Rosa and Cotati on the one hand and )  
Monte Rio on the other hand, via the )  
several authorized routes. )

Application No. 25435

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

Pacific Greyhound Lines is now providing a passenger stage service for the transportation of passengers, baggage and express between Santa Rosa and Occidental, Monte Rio, Guerneville, Rio Nido, and Forestville and intermediate points, over various routes.

In the above entitled application, applicant seeks:

1. To have its operative rights in this territory redefined and a new certificate issued therefor in lieu of all certificates heretofore issued.
2. To have expressed in such new certificate conditions of seasonal service and of optional routes to be operated according to traffic demands.

Service between Graton and Monte Rio via Occidental and Camp Meeker, enroute to and from Santa Rosa, would be reduced to a seasonal service between approximately June 10 and September 10 of each year. However, service between Graton and Monte Rio via Forestville and Rio Nido, enroute to and from Santa Rosa, would continue to receive year round service. Operation over the direct route

between Cotati and Sebastopol would be seasonal between the same dates but these points would also continue to receive year round service.

In justification of the relief sought, applicant represents:

1. That present route descriptions are not as definite as required for clear description thereof;
2. That certain authorized routes, clearly intended to be used only in optional service, are not now so conditioned;
3. That certain routes, clearly intended to be operated seasonally only, are not now so conditioned.

The "optional routes" would be used for second sections or extra schedules depending upon traffic conditions.

Applicant asserts that the territory involved is a vacational region, and its traffic is quite heavy during the periods of school vacations in summer, and is extremely light for the remainder of the year. At the present time it is operating three round trips daily between Monte Rio and Santa Rosa, one of such trips being operated via Occidental, and the other two via Forestville. None of these round trips has produced, or is producing, or is expected to produce, a 40 per cent load factor except during the summer vacation period of between approximately June 10 and September 10 of each year.

In support of the proposal to make seasonal the service to and from Occidental and Camp Mecker, it is stated that during November 1942, 21 passengers were discharged at Occidental and 18 at Camp Mecker and that no passenger was picked up at either point during this time.

In our opinion the authority sought is in the public interest and should be granted to the extent provided in the following

order. 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 authorizing the establishment and operation of service as a passenger stage corporation, as defined in section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger vehicles, between Santa Rosa and Monte Rio and intermediate points, and between Sebastopol and Cotati and intermediate points via Smith's Corner, Sebastopol, Graton, Sousa's Corner, Forestville, Hilton, Santa Nella, Rio Nido, Guerneville, Occidental and Camp Meeker subject to the following conditions, exception and limitation:

1. Such certificate is in lieu of and not in addition to the operative rights created by and acquired by applicant under the authority of the Commission's Decision No. 28367, rendered November 18, 1935.
2. The limitation on the weight of shipments of express and vehicle of transportation thereof shall not apply to,
  - (a) shipments transported for or through the agency of Railway Express Agency, Incorporated; or
  - (b) milk and cream and empty containers for such commodities when being transported to or from a rail junction point in connection with rail transportation thereof.
3. Service between Graton and Monte Rio via Occidental and Camp Meeker, and between Sebastopol and Cotati, over direct routes, shall be seasonal between the approximate dates of June 10 and September 10 of each year.
4. 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 Orders Nos. 79 and 80 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, conduct said passenger stage operations over and along the following routes:

Regular Route:

1. Between Monte Rio and Santa Rosa via the main highway through Guerneville, Rio Nido, Korbek, Hilton, Hacienda, Mirabel Park, Forestville, North Graton Junction, Graton, South Graton Junction, Molino, Sebastopol and Smith's Corner.

Seasonal Routes:

1. Between Sebastopol and Cotati via the main direct highway;
2. Between Monte Rio and Graton via the main highway through Camp Meeker and Occidental.

Optional Routes:

(To be used for second sections or extra schedules only)

1. Between Santa Rosa and North Graton Junction via College Avenue and the main highway through Sousa's Corner;
2. Between Sousa's Corner and South Graton Junction via the main direct highway;
3. Between Guerneville and Forestville via the main direct highway through Santa Nella;
4. Between Santa Nella and Korbek Ranch via the main direct highway.
5. Between Occidental and Smith's Corner via the main highway through Molino.

IT IS FURTHER ORDERED that the operative right created by or acquired pursuant to Decision No. 28367, rendered November 18, 1935, Decision No. 24925, rendered June 27, 1932, and Decision No. 25993, rendered May 29, 1933, are and each of them is hereby revoked and annulled.

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

Dated at San Francisco, California, October 19, 1943.

James R. Havens  
L. D. M. M.  
Arthur J. G. G.  
Richard K. K.  
James W. W.  
 COMMISSIONERS