

ORIGINAL

Decision No. 35720

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of A. J. (BERT) CHAPIN, d/b/a NORTH SACRAMENTO STAGE LINE; for a certificate of public convenience and necessity to operate auto stage passenger service between North Sacramento Stage Line Bus Depot at 12th and "H" Streets, Sacramento, and the Signal Corps Depot, and intermediate points, and to consolidate said proposed operation with the existing operative rights now held by applicant between Sacramento, North Sacramento, McClellan Field, Carmichael, and intermediate points.

) Application No. 25820

BY THE COMMISSION:

O P I N I O N

In the above-entitled application A. J. Chapin, doing business as North Sacramento Stage Line, requests the Commission to grant to him a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service between Sacramento and the United States Signal Corps Depot and intermediate points, a distance of approximately 1.6 miles.

The proposed one-way fare is ten cents. Applicant proposes to provide three daily round-trip schedules, except Sunday.

As justification for the authority sought applicant (1) alleges as follows:

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- (1) Applicant is presently operating between Sacramento and North Sacramento and McClellan Field and other points. The Signal Corps Depot involved herein is located at a point approximately 0.7 miles from applicant's present regular route of operation between Sacramento and North Sacramento.

That there are located at the Signal Corps Depot men and women in the military service of the United States; that the officer in charge of the Depot has secured the permission of the Office of Defense Transportation for the rendition of the service sought herein to be rendered and has requested applicant to establish this service for the reason that the employees and the men and women stationed at the Signal Corps Depot have no means of transportation between Sacramento and the Depot and require the proposed service.

It appears that public convenience and necessity require the establishment of the service proposed. No other carrier presently serves the Signal Corps Depot. This is not a matter requiring a public hearing. The application will be granted.

A. J. Chapin 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.

ORDER

An application therefor having been filed and 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 A. J. Chapin 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 between Sacramento and the United

States Signal Corps Depot and intermediate points, subject to the following condition:

The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that A. J. Chapin, his successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative right or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such right.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate A. J. Chapin 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 tables 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 it at any time by further order, operation pursuant to the foregoing certificate shall be along and over the following route:

Beginning at the North Sacramento Stage Line Depot at 12th and H Street, Sacramento, thence north on 12th Street to B Street; thence on B Street to 7th Street; thence on 7th Street to the United States Signal Corps Depot.

4. Applicant may turn his 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 23^d day of November, 1943.

Francis A. Stevens

W. B. M.

Justin P. Cooney

Richard L. Lusk

Wm. C. Cooney

COMMISSIONERS