

Decision No. 30700

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BALLARD JENKINS, doing business under the firm name of JENKINS MOTOR CO., for a certificate of public convenience and necessity to operate a common carrier service for the transportation of passengers and their baggage between Santa Monica, Los Angeles, San Bernardino, Riverside and Indio on the one hand, and points and military camps located in Riverside and San Bernardino Counties, on the other hand.

ORIGINAL

Application No. 25801

BY THE COMMISSION:

O P I N I O N

Ballard Jenkins, doing business as Jenkins Motor Co., in the above-entitled application, as amended, requests a certificate of public convenience and necessity authorizing operation as a passenger stage corporation generally between Santa Monica and certain military camps in San Bernardino and Riverside Counties. The points to be served are fully set forth in the order herein.

The primary purpose of the proposed service is to furnish transportation to officers and men stationed at the various military camps who desire to travel back and forth between such camps and the principal cities in the area. No such service is now regularly available.

Applicant has been operating an "on-call" service to and from the various camps and desires to establish a regular certificated service which will meet the requirements of the military personnel. In furtherance of this plan he submits with the application, as amended, a schedule of proposed fares and time schedules adapted to a 24-hour "on-call" service. Equipment consists of twelve semi-trailer buses and ten school buses.

The Commission has been advised by Pacific Greyhound Lines and Southern Pacific Company that they are not opposed to the granting of this application.

After full consideration of the matter the Commission is of the opinion that public convenience and necessity require that the application be granted and it will be so ordered. A public hearing is not necessary.

Ballard Jenkins 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 granted to Ballard Jenkins authorizing operation as a passenger stage corporation, as defined in Section 24, Public Utilities Act, for the transportation of passengers and their baggage between Santa Monica, Los Angeles, San Bernardino and Indio, on the one hand, and Camp Young, Desert Center Army Airfield, Camp Coxcomb, Iron Mountain, Granite, Freda, and Rice Army Airfield, on the other hand; between Camp Irwin, on the one hand, and San Bernardino, Riverside, Los Angeles and Santa Monica, on the other hand; and between Camp Clipper and Camp Ibis, on the one hand, and San Bernardino, Riverside, Los Angeles and Santa Monica, on the other hand, 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 Ballard Jenkins, 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, Ballard Jenkins 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) 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:

From Rice Army Air Field via unnumbered highway passing in the vicinity of Freda, Iron Mountain and Granite, Camp Coxcomb, Desert Center Army Airfield, connecting with the junction of U. S. Highway 60-70 at Desert Center, thence U. S. Highway 60-70 to Indio, thence via U. S. Highway 60-70 to Colton, thence via U. S. Highway 395 to San Bernardino, thence via U. S. Highway 395 to Colton, thence via U. S. Highway 99 to Los Angeles, thence via Wilshire Boulevard to Santa Monica, returning via the same route.

From Camp Irwin via Military Road to Barstow, thence via U. S. Highway 66 to San Bernardino, thence via U. S. Highway 395 to Riverside, thence via U. S. Highway 395 to Colton, thence via U. S. Highway 99 to Los Angeles, thence via Wilshire Boulevard to Santa Monica, returning via the same route.

Alternate Route: From Riverside via U. S. Highway 60 to junction with U. S. Highway 99 near Ontario.

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

Dated at San Francisco, California, this 24th day of

November, 1943.

Tracy D. Haven
W. H. W.
Arthur D. Calder
Richard L. Baker
Frank W. Lane
 COMMISSIONERS