

Decision No. 36781

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PACIFIC GREYHOUND LINES for a certifi-)	
cate of public convenience and)	
necessity authorizing the transpor-)	Application No. 25647
tation of persons and property "on-call")	1st Supplemental
between Bolinas and Radio Corporation of)	
America Wireless Station, and inter-)	
mediate points.)	

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

By its first supplemental application Pacific Greyhound Lines requests the Commission to grant to it a certificate of public convenience and necessity authorizing the establishment and operation of service as a passenger stage corporation and as a highway common carrier between Bolinas and the Radio Corporation of America Wireless Station, hereinafter referred to as R.C.A. Wireless Station, and intermediate points, situated about three miles northwesterly of Bolinas. Applicant also requests a new description of the routes of operation between Sausalito, Tamalpais Valley Junction and Bolinas as described in service regulations of the order of Decision No. 36712.

The proposed service would be rendered "on-call" in connection with the arrival or departure of established regular schedules of applicant to be operated to or from Bolinas in the transportation of passengers and property and not as an independent operation. The tariffs to apply to the proposed operation would be based upon the tariffs proposed for the conduct of the operations between Bolinas and Tamalpais Valley Junction for passengers, and between Bolinas and Sausalito for the

transportation of property as heretofore authorized by Decision No. 36712, particular reference, in regard to the transportation of passengers, being made to the application of the basic passenger rate of $1\frac{1}{2}$ cents a mile and to the minimum fare of 10 cents.

By Decision No. 36712, the Commission granted to applicant a certificate authorizing the transportation of passengers between Tamalpais Valley Junction and Bolinas and intermediate points, and the transportation of property between Sausalito and Bolinas and intermediate points, subject to a condition to the effect that applicant shall file with the Commission an application for a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service and a highway common carrier service between Bolinas and the R.C.A. Wireless Station. The current proposal meets this condition and the request will be granted. 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.

FIRST SUPPLEMENTAL ORDER

An application therefor having been filed and it having been heretofore found in Decision No. 36712 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, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$, Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of one hundred (100) pounds each on passenger carrying vehicles between Bolinas and Radio Corporation of America Wireless Station, situated approximately three miles northwesterly of Bolinas, and intermediate points, as an extension and enlargement of the passenger stage operative right heretofore created by Decision No. 36712.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity is hereby granted to Pacific Greyhound Lines, a corporation, authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4, Public Utilities Act, for the transportation of property between Bolinas and the Radio Corporation of America Wireless Station, situated about three miles northwesterly of Bolinas, and intermediate points, as an extension and enlargement of the highway common carrier operative right heretofore created by said Decision No. 36712.

Said certificates are granted subject to the following conditions:

- (a) That in the conduct of the operations herein authorized service shall be rendered "on-call" in connection with the arrival or departure of established regular schedules of applicant operated to or from Bolinas for the transportation of passengers and property.
- (b) 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 the description of routes of operation as set forth in service regulation No. 3 of the order of said Decision No. 36712 is deleted therefrom and the following is substituted in lieu thereof:

"Passengers and property between Tamalpais Junction and Bolinas via the main highway through Dias Ranch, Muir Beach and Stinson Beach.

"Passengers and property between Dias Ranch and Stinson Beach via the main highway through Alpine Lodge and Bootjack.

"Passengers between Tamalpais Valley Junction and Sausalito, via Manzanita."

Said Decision No. 36712 shall in all other respects remain in full force and effect.

IT IS FURTHER ORDERED that in providing service pursuant to the authority herein granted 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 establish the service herein authorized concurrently with the service as authorized by Decision No. 36712 and 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 one (1) day's notice to the Commission and the public.
3. Applicant shall conduct said passenger stage operations and highway common carrier operations over and along the main county road between Bolinas and Radio Corporation of America Wireless Station.

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

Dated at San Francisco, California, this 14th
day of December, 1943.

Francis R. Haveman

Justus J. Casper

Richard L. Laska

Francis Elroy

COMMISSIONERS