

Decision No. 36806

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

|  |   |             |
|--|---|-------------|
| In the Matter of the Application of FRESNO CITY      | ) |             |
| LINES, INC. for authority to extend its Hazelwood-   | ) |             |
| "C" Street Motor Coach Route No. 5 from its easterly | ) |             |
| terminus on S. 10th Street to Chance Avenue, to      | ) | Application |
| serve Army Basic Training Center No. 8 located on    | ) | No. 26003   |
| County Fairgrounds in the County just east of the    | ) |             |
| limits of the City of Fresno, over streets described | ) |             |
| in paragraph 7 hereof, for the duration of the war.  | ) |             |

**ORIGINAL**

BY THE COMMISSION:

OPINION AND ORDER

In this application Fresno City Lines, Inc. requests permission to extend its Hazelwood-"C" Street motor coach route No. 5 a distance of six blocks to the entrance to the Army Basic Training Center No. 8 located on the Fairgrounds on Chance Avenue in Fresno, California.

Applicant alleges that it has received numerous requests from Army officers to extend said line and operate the route to the training center during times when there is need for the service. The northerly entrance to said training center on Ventura Avenue is now served by applicant's Recreation Route No. 3 and coaches on this route were able to accommodate traffic to and from the training center until the number of men stationed there was greatly increased. At the present time coaches on said No. 3 line cannot accommodate the patronage properly and the extension of the No. 5 route, as proposed, to operate during the peak travel periods or during such intervals as the service is needed, will relieve the congested condition now existing on the coaches operating on the No. 3 route; will provide better service for the soldiers stationed in barracks on the southerly portion of the training center; and will avoid an unusually long walk now necessary to and from transportation service.

Proposed rates of fare for the service, and rules and regulations governing the same will be the same as those in effect on applicant's lines in Fresno.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted.

Applicant 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 granting 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.

IT IS HEREBY ORDERED that:

I. A certificate of public convenience and necessity be and it is hereby granted to Fresno City Lines, Inc. as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers on an extension of its Hazelwood-"C" Street meter coach route No. 5, a distance of about six city blocks, to the entrance to the Army Basic Training Center No. 8, located on County Fairgrounds, as an extension and enlargement of its present operative rights and consolidated therewith, subject to the following conditions:

- (1) The service herein authorized shall be commenced within a period of not to exceed thirty (30) days from the date hereof.

- (2) The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that Fresno City Lines, Inc., 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.

II. In the operation of said passenger stage service pursuant to the foregoing certificate, Fresno City Lines, Inc. shall comply with and observe the following service regulations:

- (1) Applicant shall file a written acceptance of the certificate herein granted within thirty (30) days from the effective date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, Fresno City Lines, Inc. shall conduct such passenger stage operation over and along the following described route in the City of Fresno, California:

Extension of Hazelwood-"C" Street motor coach line No. 5, commencing at the intersection of So. 10th Street and Butler Avenue; thence along Butler Avenue to Chance Avenue; thence along Chance Avenue to Liberty Avenue; thence along Liberty Avenue to So. 10th Street.

- (3) Rates of fare shall be the same as those provided in original Sections 1 and 2 of applicant's Local Passenger Tariff No. 3, C.R.C. No. 3, now on file with the Commission.

The Commission reserves the right to make such further orders in this proceeding as to it may seem just and proper, and to revoke this authority in whole or in part if in its opinion public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of February, 1944.

Richard Lasker  
Justus F. Coe  
Frank R. Hayden  
Wm. H. Lusk  
W. B. Lusk  
Commissioners