

Decision No. 36897

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Vallejo Bus Co., Co-Partnership,)
Luther E. Gibson, Harry V. Soanes)
and Frank O. Bell, for a request)
for extension of Springs Road Route)
in the Township of Vallejo listed)
in Decision No. 35777, in App. No.)
25072.)

Application No. 26024

ORIGINAL

OPINION AND ORDER

The applicant, Vallejo Bus Company, a co-partnership, requests permission to extend its Sulphur Springs Route from its present terminal at the intersection of White Sulphur Road and Lassen Avenue easterly along White Sulphur Springs Road to Maple Avenue to a parking area on Maple Avenue between Revere Street and Foster Street.

The applicant alleges that a housing project known as "Liberty Heights" has been constructed and is occupied in the vicinity of the proposed terminal of said Sulphur Springs Route; that there are approximately 250 families living in said area; that a large portion of the population is employed in the Mare Island Navy Yard and in the business district of Vallejo; and that the extension of said Springs Road Route will provide a needed service to this area.

An extension of this route will eliminate the necessity of routing the bus around the block at its present terminal; therefore the extension will involve only an actual extension of about two-tenths of a mile.

It appears that this is not a matter in which a public hearing is necessary and the request 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.

O R D E R

IT IS HEREBY ORDERED that:

I. A certificate of public convenience and necessity be and it is hereby granted to the Vallejo Bus Company, a co-partnership, as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, an extension of its Springs Road Route in Vallejo Township, County of Solano as an extension and enlargement of its existing 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 the Vallejo Bus Co., 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, Vallejo Bus Company shall comply with and observe the following regulations:

- (1) Applicant shall file a written acceptance of the certificate herein granted within thirty 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, the Vallejo Bus Company shall conduct such passenger stage extension over and along the

following described route in Vallejo Township, County of Solano, California:

Commencing at the intersection of White Sulphur Road and Lassen Street, thence easterly along White Sulphur Springs Road to Maple Avenue, and northerly along Maple Avenue to a point midway between Revere Street and Foster Street.

(3) Rates of fare in volume and effect shall be identical with the rates and rules now in effect on applicant's existing operation.

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 29th day of February, 1944.

Richard L. Lusk
Justice J. Calver
Francis R. Hovever
Wm. J. Wilson
Lucas Russell
Commissioners