

Decision No. 36919

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 PACIFIC GREYHOUND LINES, a corporation, )  
 for a certificate of public convenience )  
 and necessity extending and enlarging )  
 its operative rights to include oper- )  
 ations over the Santa Maria-Camp Cooke ) Application No. 25959  
 Army Access Road between Santa Maria )  
 and the junction of said road with )  
 applicant's present route via San )  
 Antonio Creek Road. )

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In the above entitled application Pacific Greyhound Lines requests a certificate authorizing service as a passenger stage corporation between Santa Maria and the intersection of the Santa Maria-Camp Cooke Army Access Road and San Antonio Creek Road and intermediate points over and along said Access Road. It is requested that such certificate be granted as an extension and enlargement of the certificate heretofore granted by the Commission's Decision No. 23244, dated December 31, 1930. Service would be provided for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles.

Applicant presently renders a service between Santa Maria and Camp Cooke over California State Highway No. 1 and San Antonio Creek Road and over other routes not involved in this matter. Applicant asserts that recently there has been completed and put into use a new highway between Santa Maria, on the north, which connects with the San Antonio Creek Road, on the south, at a point approximately seven miles westerly of Harriston which road is known as the Santa Maria-Camp Cooke Army Access Road. Use of this

new road would provide a shorter route between Santa Maria and Camp Cooke.

As justification for the authority sought it is alleged that the distance between Santa Maria and Camp Cooke over the route herein proposed is approximately 3.8 miles less than the distance over applicant's present route; that the new road which applicant proposes to use is constructed to modern standards, is now available for public use and applicant desires to operate a portion of its schedules thereover including local schedules between Santa Maria and Camp Cooke as well as through schedules between Los Angeles and San Francisco over the coast route.

Santa Maria Bus Line and William Williford are the only other carriers operating in the territory between Santa Maria and Camp Cooke and have informed the Commission in writing to the effect that they do not desire to oppose the granting of the application. This is not a matter in which a public hearing is necessary. The proposed operation appears to be in the public interest and the application will be granted.

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.

O R D E R

In application therefor having been filed and good cause appearing,

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 $\frac{1}{4}$ , 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 Santa Maria and the intersection of Santa Maria-Camp Cooke Army Access Road and San Antonio Creek Road and intermediate points via Casmalia Junction as an extension and enlargement of the operative rights heretofore granted by the Commission's Decision No. 23244, dated December 31, 1930, 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 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 Pacific Greyhound Lines in providing service pursuant to the foregoing certificate 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 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 five (5) days' 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, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Over and along Santa Maria-Camp Cooke Army Access Road between Santa Maria and the intersection of such road with San Antonio Creek Road.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1944.

Richard L. Lusk  
Justice J. Cramer  
Francis D. Howen  
William C. Linn  
James H. Powell  
Commissioners