

Decision No. 37014

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
M. C. YAHNE, INC., doing business)
as INLAND STAGES, for authority)
to extend his Common Carrier Stage)
Service.)

Application No. 26097

ORIGINAL

BY THE COMMISSION:

O P I N I O N

M. C. Yahne, Inc., a California corporation, is at present operating as a common carrier of passengers and their baggage between Los Angeles, California, and Nevada-California state line north of Coleville over U.S. Highways Nos. 99, 6, and 395, pursuant to and under the authority of Decision No. 26660 in Application No. 19220, dated December 18, 1933. It also operates between Los Angeles and San Diego via Elsinore, Vista, and Escondido, and between San Bernardino and San Diego via Riverside, Elsinore, Vista, and Escondido, all under jurisdiction of this Commission.

Applicant requests permission to establish a service, as a common carrier, for the transportation of passengers and their baggage, between Los Angeles and the United States Naval Testing Station, near Inyo-Kern, California, approximately eight miles from applicant's present certificated route at a point between Freeman Junction and Homestead on U.S. Highway No. 6. At this time applicant proposes to offer an "on call" service and hereafter, when, and if, the public convenience and necessity

so require, to establish a regular scheduled service. The proposed one-way fare, from Los Angeles to the Naval Testing Station, a distance of approximately one hundred fifty-four (154) miles, is three dollars and ten cents (\$3.10) and for round trip, five dollars and thirty-five cents (\$5.35). So far as applicable, this service will be subject to applicant's Rules and Regulations in C.R.C. No. 25, Local Passenger Tariff No. 16.

As justification for the authority sought, it is alleged that said Naval Testing Station has a large enlisted and civilian personnel; that extensive construction work now being performed by a private contracting firm will continue under the Bureau of Yards and Docks, Navy Department; that applicant has received many requests for service from the Navy personnel, commissioned and enlisted, and from the contracting firm; that present needs are for at least two "on call" round trips with one bus each way; that applicant is the only operator giving service in this territory and that it is able and willing to extend its operations as indicated.

This is not a matter requiring a public hearing and as the proposed operation appears to be in the public interest the application will be granted.

M. C. Yahne, Inc. is placed on 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

Application having been filed in the above-entitled matter, and the Commission being duly advised in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to M. C. Yahne, Inc., a corporation, doing business as Inland Stages, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers and baggage between the United States Naval Testing Station near Inyo-Kern, California, and U.S. Highway No. 6, and intermediate points, as hereinafter set forth, as an extension and enlargement of the operative rights heretofore granted by the Commission's Decision No. 26660, dated December 18, 1933, 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 M. C. Yahne, 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.

(2) That M. C. Yahne, Inc., a corporation, doing business as Inland Stages, in providing service pursuant to the foregoing certificate, shall comply with and observe the following service regulations:

1. 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. 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) day's 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, applicant shall conduct said passenger stage service over and along the following route:

From the Naval Testing Station, near Inyo-Kern, California, west to Inyo-Kern, thence to the junction with U.S. Highway No. 6, a distance of approximately eight (8) miles.

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

Dated at San Francisco, California, this 25th day of April, 1944.

Richard Lusk
Justin F. Cramer
Francis R. Havener
Frederic W. ...
Walter J. ...
 COMMISSIONERS