

Decision No. 37062

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GREYHOUND LINES for) Application No. 21679
authority to establish an optional) 1st Supplemental
route between Sonora and Tuolumne.)

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

In Decision No. 30621, rendered in this proceeding on February 14, 1938, on Application No. 21679, the Commission granted a certificate to Pacific Greyhound Lines authorizing the transportation of passengers, baggage and express between Sullivan's Creek and Standard and intermediate points, as an extension and enlargement of the certificate granted by Decision No. 23244, as amended, dated December 31, 1930, over and along the route thereafter described.

In the above entitled supplemental application Pacific Greyhound Lines requests authority to abandon service to and from Standard and for authority to establish service at Soulsbyville instead.

The application states that traffic to and from Standard has decreased to the point where, under existing conditions and present service requirements within the territory involved, public convenience and necessity no longer require the operation of applicant's service directly through this community; that persons desiring to travel to and from Standard will have the service of applicant available over the proposed new route through Soulsbyville, which is approximately one-half mile from Standard.

It is further asserted in the application that Soulsbyville is located approximately midway between Soulsbyville Junction, also called Tamb Station, and Ralph Station, both of which points are presently served by applicant. It is also alleged that the Soulsbyville area has developed to such an extent that the Tuolumne County Chamber of Commerce, on behalf of the community, has requested applicant to obtain from this Commission the necessary authority to operate its service between Sonora and Tuolumne, via Soulsbyville Junction, Soulsbyville and Ralph Station.

From this record it would appear that the authority sought is in the public interest and the application will, therefore, be granted. A public hearing does not appear to be 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

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the establishment and operation of an automotive service as a passenger

stage corporation, as defined in Section 24, Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not to exceed 100 pounds on passenger carrying vehicles between Sullivan's Creek and Ralph Station and intermediate points, via Soulsbyville, as an extension and enlargement of the certificate granted by Decision No. 23244, over and along the route as hereinafter set forth.

IT IS ORDERED that a certificate of public convenience and necessity therefor is granted to Pacific Greyhound Lines.

IT IS FURTHER ORDERED that the route description set forth in paragraph 34 of said Decision No. 23244, as amended by Decision No. 30621, is further amended to read as follows:

"34 - Between Manteca and Tuolumne as follows:

- a. Between Manteca and Sullivan's Creek via State Route 13.
- b. Between Sullivan's Creek and Ralph Station via either State Route 13 and county highway through Soulsbyville Junction (Tamb Station) and Soulsbyville or via county highway direct.
- c. Between Ralph Station and Tuolumne via county highway."

The certificate herein granted is subject to all the applicable limitations and restrictions of Decision No. 23244, as amended.

IT IS FURTHER ORDERED that in providing service pursuant to the certificate herein granted, applicant 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 Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules satisfactory to the Commission within sixty (60) days from the date hereof and on not less than one (1) day's notice to the Commission and the public.

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

Dated at San Francisco, California, this 23rd
day of May, 1944.

Richard Lachse

Justus F. Coe

Francis A. Havens

Justus F. Coe
COMMISSIONERS