

Decision No. 37068

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
TWENTYNINE PALMS TRANSPORTATION )  
COMPANY for a certificate of public )  
convenience and necessity to operate )  
a passenger service as a common )  
carrier between Twentynine Palms Air )  
Academy and Twentynine Palms, San )  
Bernardino County, California, and )  
return. )

Application No. 26063

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

This is an application of Twentynine Palms Transportation Company for a certificate of public convenience and necessity for the transportation of passengers, baggage and express between Twentynine Palms Air Academy and Twentynine Palms, and intermediate points.

Twentynine Palms Air Academy is a training field for United States Army Air Forces and is located approximately five miles northerly of the town of Twentynine Palms. In addition to the military personnel it is alleged that there are several hundred civilians employed at the field in construction work. There is presently no other public transportation service available between the points which applicant proposes to serve.

Applicant asserts that there is need for transportation between the Academy and Twentynine Palms for army personnel and civilians stationed at the Field and that the service would also be used by visitors, tradesmen and others.

It is proposed by applicant to operate one 1940 Ford or Buick Station Wagon. Beginning with a 5:30 A.M. schedule from the

Academy gate, the time schedule proposes a round-trip practically every hour, day and night. The proposed one-way fare between termini is ten cents.

Applicant alleges it has an agreement with Twentynine Palms Air Academy by the terms of which the Academy agrees to subsidize the operation if the revenues fail to meet the operating expenses. Twentynine Palms Air Academy is a corporation of which F. R. Whyers is President and which wholly owns and operates Twentynine Palms Transportation Company.

The Commanding Officer in charge of the Training Detachment at the Academy states that there is a large number of civilian employees of the contractor who need transportation between their homes and the Field, and he is of the opinion that a scheduled bus service would be desirable.

It appears to us that the service proposed by applicant is necessary and is in the public interest. The application will, therefore, be granted. A public hearing is not required.

Twentynine Palms Transportation Company 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

Application having been made in the above entitled matter, and the Commission duly advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Twentynine Palms Transportation Company, authorizing operation of a passenger stage corporation, as defined in Section 2-1/4, Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not to exceed one hundred (100) pounds each, on passenger-carrying vehicles, between Twentynine Palms Air Academy and Twentynine Palms, and intermediate points.

(2) 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 Orders Nos. 79 and 80 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 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 by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

From Twentynine Palms Air Academy southerly  
via County Road and Adobe Road to Twenty-  
nine Palms; and return over the same route.

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

Dated at San Francisco, California, this 23<sup>rd</sup>  
day of May, 1944.

Richard K. Baker  
Justin F. Coe  
Francis R. Haveney  
  
Justin F. Coe  
COMMISSIONERS