

ORIGINAL

Decision No. 37111

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LASSEN)  
 TRAILWAYS, for a certificate of public )  
 convenience and necessity to operate a )  
 motor coach service between Olivehurst and )  
 Marysville, and between Yuba City and )  
 Harter's Station on the Sacramento )  
 Northern Railway during the fruit packing ) Application No. 26135  
 season, for the transportation of passen- )  
 gers only and in coordination with its )  
 existing service between Marysville and )  
 Yuba City. )

BY THE COMMISSION:

O P I N I O N

This is an application of Lassen Trailways, a corporation, for a certificate of public convenience and necessity authorizing a passenger stage service between Olivehurst and Marysville, and between Yuba City and Harter's Station, during the fruit packing season. The service is designed to provide transportation facilities for employees of Harter Canning Company and California Packing Corporation.

One of the proposed routes extends from what is known as the Olivehurst Tract running in a northwesterly direction to the intersection of 5th and B Streets, where it connects with applicant's present route, and would provide transportation for employees of California Packing Corporation. The other route extends from Foster Avenue and Cooper Avenue via Cooper Avenue to the Colusa Highway and thence to Harter Station, and would afford transportation to employees of the Harter plant.

The application alleges that requests from both the canning companies for the proposed service have been received by

applicant. A chartered bus service was maintained on these routes by applicant during the 1943 canning season by means of leased equipment employed exclusively in that service. The shortage of bus equipment this year will not permit the renewal of that arrangement with the canners.

The one-way fares are fixed at fifteen cents between Olivehurst and Harter's Station and Yuba City, ten cents between Marysville and Harter's and five cents between Yuba City and Harter's. The schedule will be arranged to conform with the hours of each working shift.

The proposed service appears to us to be urgently necessary. A large part of the product of both canneries is used by the United States Government, and it is obvious that the service should be available before the canning season opens. The application will be granted with service restricted to the duration of the canning season. A public hearing does not appear to be necessary.

Lassen Trailways 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 being 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 Lassen Trailways, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers between Olivehurst and Marysville and between Yuba City and Harter's Station for the period when said canneries are in operation during the year 1944, as an extension and enlargement of the operative right heretofore created by Decision No. 34969, rendered January 27, 1942.

(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 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 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 by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

From 5th and B Streets, Marysville, via B Street to 1st Street; thence westerly to D Street and across the Yuba River Bridge to Riverside Avenue; thence on Riverside Avenue to Garden Avenue and along Garden Avenue to Feather River Boulevard; thence via Feather River Boulevard to South Willow Street and along South Willow Street to its connection with Pasado Avenue, and thence via Pasado Avenue to U.S. Highway No. 99E; thence on U.S. Highway No. 99E to Olivehurst Avenue and along Olivehurst Avenue to 7th Avenue returning to 5th and B Street, Marysville via the same route.

From Forbes and Cooper Avenues in the city of Yuba City via Cooper Avenue to the Colusa Highway; thence westerly on Colusa Highway to Harter Road; thence via Harter Road to Harter's Station, returning to Forbes and Cooper Avenues, Yuba City, via the same route.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of June, 1944.

Richard K. Ash  
Justus F. Coe  
Frank D. Havens  
Howard C. ...  
James A. ...  
COMMISSIONERS