

Decision No. 37150

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FORREST O. JOHNSON for a certificate)
 of public convenience and necessity)
 to operate a bus line service from)
 Woodland, Davis, Davis Highway,)
 Broderick, in Yolo County, Gardenland,)
 in Sacramento County, to McClellan)
 Field only for employees at McClellan)
 Field only, and return from McClellan)
 Field only to the point mentioned)
 above.)

ORIGINAL

Application No. 26116

BY THE COMMISSION:

O P I N I O N

In the above entitled application, as amended, Forrest O. Johnson requests the Commission to grant to him a certificate authorizing the establishment and operation of a passenger stage service between Woodland and McClellan Field and intermediate points via Davis, Broderick and Gardenland.

The proposed operation would provide service only for those passengers originating at or destined to McClellan Field. The distance between the termini is approximately thirty-six miles. The one-way and round-trip fares proposed between Woodland and McClellan Field are fifty cents and seventy-five cents, respectively. Fares between the other points are in proportion. Commutation tickets good for one month between Woodland and McClellan Field and one-half month commutation tickets between the same points would be sold for \$15 and \$7.50, respectively. Commutation tickets between the other points would be sold on a similar basis at proportionate fares. Three daily round trips would be provided. Two 1940 model GMC passenger stages of thirty-two and

twenty-eight passenger seating capacity would be used to provide the proposed service. This equipment would be leased by applicant.

As justification for the authority sought applicant asserts that there is a large number of employees working at McClellan Field who reside at Woodland, Davis, Broderick and other points proposed to be served who are in need of and would use the proposed service. According to the application there is no other direct transportation service between these points.

Pacific Greyhound Lines and A. J. Chapin, doing business as North Sacramento Stage Line, presently provide a passenger stage service between some of the points involved. Pacific Greyhound Lines does not object to the granting of the application provided that the certificate is limited to prevent service except to or from McClellan Field. Chapin would not object to the granting of the application provided that applicant is prohibited from transporting passengers locally between Gardenland and McClellan Field, between which points Chapin now provides service in connection with his operation between Sacramento, North Sacramento and McClellan Field.

In our opinion there is a public need for the establishment of the proposed service which will be authorized with a limitation to traffic destined to or originating at McClellan Field and prohibiting service between Gardenland and McClellan Field. No public hearing is necessary.

As required by the Commission's General Order No. 93-A, applicant must file with the Commission a copy of the agreement under which the equipment to be used is leased from the owner.

Forrest O. Johnson 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

An application therefor having been filed and it being hereby found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Forrest O. Johnson 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 Woodland, Davis, Broderick and McClellan Field and intermediate points for only those passengers originating at or destined to McClellan Field provided that no service may be performed between Gardenland and McClellan Field 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 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 tables satisfactory to the Commission within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public.
3. Applicant shall comply with the provisions of Part V of General Order No. 93-A by filing a copy of an appropriate lease of the equipment to be used.
4. 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:

Beginning at the intersection of Main Street and U.S. Highway No. 99 (Woodland), thence along Main Street, 3rd Street, Clovis Street, Walnut Street, Cross Street, Elm Street, Pendergast Street, U.S. Highways Nos. 99 and 40, 4th Street, (Davis), G Street, First Street, U.S. Highway No. 40, 3rd Street (Broderick), Southern Pacific Bridge, Jibboom Street, Garden Highway, Old Marysville Road, Bell Avenue.

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

Dated at San Francisco, California, this 27th
day of June, 1944.

Richard L. Roche
Justus F. Coenen
Francis C. Havens
William C. Elmer
John H. Russell
COMMISSIONERS