

Decision No. 37179

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Glenn W. Naylor for certificate of )  
public convenience and necessity to )  
operate passenger and express service )  
between Bishop, California, and Nevada )  
State Line via Highway No. 6 and from )  
Big Pine, California, via Secondary )  
State Highway to Nevada State Line. )

Application No. 26133

**ORIGINAL**

Glenn W. Naylor, In Propria Persona

BY THE COMMISSION:

O P I N I O N

Applicant requests a certificate of public convenience and necessity to transport passengers and express<sup>(1)</sup> as a common carrier between Bishop, California, and the California-Nevada State Line via U. S. Highway No. 6 and also between Big Pine, California and California-Nevada State Line via secondary State roads.

Public hearing on this proceeding was held before Examiner Chiesa at Bishop on June 7, 1944, at which time the matter was duly submitted and it is now ready for decision.

Operative rights for two separate routes are sought. The Bishop to State Line route runs through Laws and Benton Station along U. S. Highway No. 6, a distance of approximately forty-two (42) miles. On this route applicant asks that he also be authorized to diverge west from Benton Station to Benton, a distance of four (4) miles over State Highway No. 120. The other route, a lightly traveled one, begins at Big Pine and runs through Deep Springs

---

(1) Applicant does not propose to transport express for compensation and has asked that the word "baggage" be substituted for the word "express" wherever the latter appears in the application.

and Oasis, along secondary roads over Westgaard Pass, a distance of forty-seven (47) miles.<sup>(2)</sup> Both routes extend into Nevada, joining near Coaldale, Nevada, midway between the State Line and Tonopah, Nevada, on said U. S. Highway No. 6.

Applicant, the only witness, testified that several hundred persons reside along the Bishop-State Line route, mainly at Laws, Benton Station and Benton; that along the Big Pine-State Line route live a few ranchers, some Indians, and students and personnel of a boys' school in Deep Springs; that no public passenger service is available on either route; that there is a need and demand for such service; that a minimum of at least four passengers daily may be expected on the Bishop-State Line route and two passengers daily on the Big Pine-Oasis route; that private transportation is restricted due to gasoline and tire rationing and the long distances that must be traveled.

The record indicates that passenger traffic on the Bishop-Benton Station route may justify a daily round trip service<sup>(3)</sup> in addition to the triweekly schedule and applicant has asked that he be permitted to establish such service should the need arise.

Proposed time schedules<sup>(4)</sup> for both routes are on a triweekly basis, leaving on Monday, Wednesday and Friday and returning Tuesday, Thursday and Saturday.

(2) The routes are somewhat parallel in a southwesterly-northeasterly direction, being some fifteen miles distant at the Bishop and Big Pine termini and about thirty miles apart at the State Line termini.

(3) Applicant will operate through to Tonopah, Nevada on both routes. He testified that he is authorized to operate in Nevada along an extension of said routes and that an application will soon be filed with the Interstate Commerce Commission for authority to operate between Bishop, California, and Tonopah, Nevada.

(4)		
ARRIVE	BISHOP TO STATE LINE STOPS	LEAVE
12:10 p.m.	Bishop, California	12:00 noon
1:20 p.m.	Laws, California	12:20 p.m.
1:35 p.m.	Benton Station	1:25 p.m.
2:05 p.m.	Benton Hot Springs	1:45 p.m.
	Nevada State Line	2:05 p.m.
ARRIVE	BIG PINE TO STATE LINE STOPS	LEAVE
12:00 noon	Big Pine, California	11:00 a.m.
12:45 p.m.	Deep Springs, California	12:10 p.m.
1:02 p.m.	Oasis, California	12:50 p.m.
	Nevada State Line	1:02 p.m.

The return trip schedules call for a departure from the respective State Line points at approximately 3:00 p.m. and arrival at Bishop and Big Pine at about 5:00 p.m.

Proposed fares are at the rate of three and one-quarter (3 1/4) cents per mile; <sup>(5)</sup> round trip fares will be 180% of one way; each fare will be allowed 100 pounds of baggage.

Applicant owns the following equipment, free and clear of any liens or encumbrances: one (1) 1938 five-passenger Chevrolet sedan, to be used on the Bishop-State Line route and a 1940 Ford V-8 pick-up to be used on the Big Pine-State Line route. His reserve equipment consists of one (1) 1940 Chevrolet pick-up. If, as indicated, a daily service is established, a 1938 eleven-passenger Chevrolet stage can be rented. Additional equipment also is available.

The evidence shows that applicant operates a laundry route and carries mail over said routes; that his average weekly income from this source exceeds seventy-five (\$75) dollars; that he owns other tangible assets valued at twelve hundred (\$1,200) dollars and has no liabilities. Although estimated gross revenues may fall short of meeting out of pocket costs, consideration will be given to applicant's income from other sources <sup>(6)</sup> attributable to the operation of said routes. Applicant is qualified and able to conduct the proposed operations.

No one appeared in protest to the granting of this application.

A careful consideration of the entire record in this proceeding leads to the conclusion that the proposed service is in the public interest and therefore the application will be granted.

(5)

MILES	BISHOP TO STATE LINE		FARE
	FROM	TO	
5	Bishop, California	Laws, California	.16
31	Laws, California	Benton Station	1.01
4	Benton Station	Benton Hot Springs	.13
11	Benton Hot Springs	Nevada State Line	.36
42	Bishop, California	Direct to Nevada State Line	1.37

MILES	BIG PINE TO STATE LINE		FARE
	FROM	TO	
27	Big Pine, California	Deep Springs, California	.38
13	Deep Springs, Calif.	Oasis, California	.43
7	Oasis, California	Nevada State Line	.23

- (6) Children under 5, no charge; 5 to 12, half-fare; over 12, full fare.  
Present wages for carrying mail; income from operation of laundry route; revenue from passengers on the Nevada portion of the routes. Also, there is the possibility of a further increase in revenue from interstate operations if and when authority is obtained from Interstate Commerce Commission.

Glenn W. Naylor 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

Public hearing having been held in the above-entitled proceeding, the matter having been submitted, and the Commission being fully advised;

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Glenn W. Naylor, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 2½ of the Public Utilities Act, between Bishop, California and the California-Nevada State Line, and intermediate points, and between Big Pine, California and the California-Nevada State Line, and intermediate points, as hereinafter set forth:

IT IS FURTHER ORDERED that in the operation of said passenger stage service, pursuant to the foregoing certificate, Glenn W. Naylor 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 the Commission's 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 operations over and along the following routes:

- (a) Beginning at Bishop, California, thence along U. S. Highway No. 6 to Laws; thence to Benton Station, with a divergence along State Highway No. 120 from Benton Station to Benton; thence to California-Nevada State Line.
- (b) Beginning at Big Pine, California, thence along secondary roads over Westgaard Pass to Deep Springs; thence to Oasis; thence to California-Nevada State Line.

Effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of

July, 1944.

Richard L. Lachse  
Justus D. Cravens  
Frank R. Havens

John H. Powell  
 COMMISSIONERS