

Decision No. 37413

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RAY WITHERS and ANDREW BYRD, a co-)
partnership, doing business under)
the firm name and style of SAN MATEO)
TRANSIT, for a certificate of public)
convenience and necessity to operate)
a motor bus service as a common)
carrier of passengers in and between)
the cities of San Bruno and South)
San Francisco, California.)

ORIGINAL

Application No. 24001

BY THE COMMISSION:

O P I N I O N

In the above entitled application Ray Withers and Andrew Byrd, partners doing business as San Mateo Transit, request the Commission to grant to them a certificate authorizing the establishment and operation of a passenger stage service between San Bruno, South San Francisco, San Francisco Municipal Airport and intermediate points. No local service would be rendered in South San Francisco between the intersection of Victory Avenue and Linden Avenue and the northerly terminus of the proposed line. The southerly terminus of the operation would be at the intersection of Acacia and Santa Lucia Streets within San Bruno and the northerly terminus would be at the intersection of Butler Road and Industrial Way near Western Pipe and Steel Shipyards. The distance between these termini is stated in Exhibit "B" of the application to be 3.8 miles. The San Francisco Municipal Airport would be served over a route connecting with the San Bruno-South San Francisco route at the intersection of San Mateo Avenue and San Bruno Avenue in San Bruno. At the Municipal Airport, applicants propose to serve the United Air Lines and the Pan-American

Airways. The distance between these termini is 1.4 miles. The exhibit attached to the application shows that Pan-American Airways' station is 1.4 miles from the intersection of San Mateo Avenue and San Bruno Avenue and 2.7 and 3.7 miles, respectively, from the southerly and northerly termini of the main route first referred to herein.

The application states that the proposed one-way fare between any two points on the proposed operation is 10 cents, with no reduction for round-trips. Between San Bruno and the Western Pipe and Steel terminal, applicant proposes to operate eight daily round-trips and between points in San Bruno, approximately 35 daily round-trips. Between San Bruno and the United Airlines and Pan-American Airways, six round-trips would be operated daily, (1) except Sundays and holidays.

In support of the authority sought, applicants allege as follows:

That the residential and business property along and adjacent to said route has been rapidly developed and the service proposed by applicant is required more completely to meet the transportation needs resulting from such development.

That applicant is in a position in the event the certificate of public convenience and necessity sought is granted, to assist, in part, in solving the transportation problem and satisfying the existing demand for additional service within San Mateo County.

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- (1) These applicants now provide a passenger stage service between San Mateo, Burlingame, Hillsborough and intermediate points. The proposed operation would be conducted separately and distinctly from the present operation, there being no physical connection between the two.

Southern Pacific Company provides a rail service between San Bruno and South San Francisco. Pacific Greyhound Lines operates between South San Francisco and San Bruno and between San Bruno and San Francisco Municipal Airport. Each of these carriers has informed the Commission in writing that it does not desire to oppose the granting of the application herein considered.

In our opinion there is a public need for the authority sought by applicants and the application will be granted. No public hearing is necessary.

Ray Withers and Andrew Byrd are hereby 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.

ORDER

It being hereby found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity

(2) In the certificate presently held by Pacific Greyhound Lines is a restriction prohibiting local service between San Bruno and South San Francisco. However, this carrier has on file with the Commission an application requesting the Commission to remove this restriction so that it may provide local service between these points. (Application No. 25739)

is hereby granted to Ray Withers and Andrew Byrd, partners, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between San Bruno, South San Francisco and San Francisco Municipal Airport, and intermediate points, provided that no service will be accorded to passengers having both origin and destination north of the intersection of Victory Avenue and Linden Avenue, in South San Francisco.

(2) That in providing service pursuant to the certificate herein granted the following service regulations shall be observed and complied with:

1. Applicants 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. Applicants 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 60 days from the effective date hereof and on not less than 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, applicants shall conduct operations, pursuant to the certificate herein granted, over and along the following routes.

Beginning at the intersection of Acacia and Santa Lucia Streets (San Bruno), thence along Acacia Street, Jenevein Street, San Mateo Avenue within San Bruno, and Linden Avenue (South San Francisco), Grand Avenue, to Southern Pacific Depot at Industrial Way, north along Industrial Way to Butler Road with an additional route commencing at the intersection of Bayshore Highway and Grand Avenue, north along Bayshore Highway to Butler Road, east on Butler Road to Industrial Way.

From the intersection of San Mateo Road and San Bruno Avenue (San Bruno), along San Bruno Avenue, and Bayshore Highway to San Francisco Municipal Airport, thence to the terminal of Pan-American Airways.

Applicant may turn its motor vehicles at termini or intermediate points either in the intersection of the street or by operating in either direction around a block contiguous to such intersection.

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

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

Richard L. Laska

Justin F. Quillen

Francis D. Havens

Francis D. Havens

James P. ...
COMMISSIONERS