

Decision No. 37687

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
ALDEN L. BRIDGHAM for certificate	)	
of public convenience and necessity	)	
to operate an automobile stage line	)	
or passenger service and package or	)	Application No. 26360
parcel transportation service between	)	
San Diego, California, and Campo,	)	
San Diego County, California.	)	

LIGGETT & LIGGETT, by RUEL LIGGETT, for applicant

E. L. H. BISSINGER, for San Diego and Arizona Eastern Railway Company, protestant

FORREST A. COBB, for San Diego Electric Railway Company, interested party

A. H. PUTNAM, interested party

BY THE COMMISSION:

O P I N I O N

Alden L. Bridgham, an individual, requests a certificate of public convenience and necessity to transport persons, baggage, and express as a common carrier between San Diego and Campo, California, and intermediate points, over State Highway No. 94.

Public hearing in this proceeding was held before Examiner Chiesa at San Diego on January 25, 1945, at which time the matter was duly submitted and it is now ready for decision.

The operative right which applicant seeks would serve the communities of Jamul, Dulzura, Barrett, Potrero, and other way points intermediate of San Diego and Campo, the termini. The proposed route covers a distance of approximately 51 miles over a good state highway through mountainous and sparsely settled territory.

Proposed fares are at the rate of three (3) cents per mile with round-trip fares 180% of one way. No charge is proposed for baggage, packages, or parcels weighing 50 pounds or less when carried by passengers. Other packages and express, limited to 50 pounds per shipment, will be charged for at a uniform rate yet to be determined, with a minimum of 25 cents per parcel.

The schedule proposed is one daily round trip, leaving San Diego at 9:00 A.M. and arriving at Campo at 11:00 A.M., and leaving Campo at 12:00 noon and arriving at San Diego at 2:00 P.M. Additional trips will be run if and when necessary.

Applicant owns the following equipment which he proposes to use in the establishment of the proposed service: one bus, having a Yellow Coach type body with rebuilt 1929 Buick Six engine, of 21-passenger capacity, and one 1930 La Salle sedan with jump seat, accommodating eight passengers. Said motor equipment has a value of approximately \$2,500. In addition, applicant has assets consisting of residence, government bonds, and other personal property valued by him at \$8,500, and no liabilities.

The evidence shows that at least seven hundred civilians reside along this route,<sup>1</sup> and that there is a large military establishment at Campo known as Mitchell Convalescent Center. No public transportation is available between said termini except that offered by the San Diego and Arizona Eastern Railway Company via Tecate and Tia Juana, through Mexico. The communities between Campo and San Diego on Highway No. 94 have no public transportation whatever. The record indicates that many ranchers, business men, residents, employees, and others living

(1) The testimony was that at least 15 persons per mile lived along this highway. Recent government reports show the population of Campo alone to be in excess of 500.

along the proposed route need and are requesting the establishment of the proposed service (Exhibit No. 1).

The record also shows that applicant has made arrangements with Pacific Greyhound Lines for use of its depot in San Diego and to handle his ticket sales. The district passenger agent for Pacific Greyhound Lines testified that his company has no other interest in the proposed operation.

San Diego and Arizona Eastern Railway Company protested the granting of applicant's request. Of the points involved, other than San Diego, this railroad serves only Campo, by a circuitous route through Mexico. The distance by rail between the said termini is 65 miles; the fares are \$1.71 one way and \$2.80 round trip. The schedules are much less convenient for passengers than those proposed by applicant.<sup>2</sup> The evidence does not show to what extent, if any, protestant's business would be affected by the establishment of the passenger stage operation. In view of the different territory served and the limited competitive character of the proposed service, it seems doubtful that protestant's loss of business would be of consequence.

San Diego Electric Railway Company withdrew as protestant after applicant agreed to accept certain local restrictions between the proposed San Diego terminus and the intersection of Bancroft Drive and Campo Road.

(2)

SAN DIEGO AND ARIZONA EASTERN RAILWAY COMPANY  
SCHEDULE

Passenger Train					
Lv. San Diego	2:45 P.M.	Ar. Campo	5:33 P.M.		
Ar. " "	1:20 P.M.	Lv. " "	10:50 A.M.		
Mixed Train					
Lv. San Diego	9:30 P.M.	Ar. " "	1:01 A.M.		
Ar. " "	4:30 A.M.	Lv. " "	1:01 A.M.		

A careful consideration of the entire record in this proceeding leads to the conclusion that the proposed service is in the public interest and we find that public convenience and necessity require said service. The application will be granted.

Alden L. Bridgham is 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.

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,

(1) That a certificate of public convenience and necessity be and it is hereby granted to Alden L. Bridgham, 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, for the transportation of persons, baggage, and express, incidental to the transportation of passengers, between San Diego and Campo, California, and intermediate points, subject to the following conditions and restrictions:

- (a) No passengers shall be transported having both origin and destination between applicant's terminus in the City of San Diego and a point one mile east of the intersection of Bancroft Drive and Campo Road.
- (b) The transportation of baggage and express shall be incidental to the transportation of passengers and shall be limited to a weight of fifty (50) pounds per each shipment.

(2) That in providing service pursuant to the certificate herein granted, Alden L. Bridgham shall comply with and observe the following service regulations:

- (a) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (b) 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.
- (c) Subject to the authority of this Commission to change or modify the route at any time by further order, applicant shall conduct operations over and along the following streets, highways, or routes:

Beginning at the intersection of 1st Avenue and Broadway in San Diego, thence along 1st Avenue, Market Street, 32nd Street, "F" Street (sometimes called the Broadway Extension) thence east along State Highway No. 94 to its terminus in Campo, California.

Applicant is authorized to turn his motor vehicles at termini or intermediate points, either in the intersection of streets or by operating around a block in either direction, contiguous to such intersection.

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

Dated at San Francisco California, this 27<sup>th</sup> day of February 1945.

L. Harold Anderson  
Justin J. Quisenberry  
Richard Kach  
James H. Lamm  
COMMISSIONERS