

Decision No. 37732

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN C. HASTIE doing business as)
TWENTY NINE PALMS STAGES, for a)
certificate of public convenience)
and necessity to extend service to)
United States Naval Training Base)
in the vicinity of Twenty Nine Palms)
and Riverside, California.)

Application No. 22337
Second Supplemental

ORIGINAL

BY THE COMMISSION:

O P I N I O N

John C. Hastie in his second supplemental application, as amended, requests a certificate authorizing the transportation of passengers and baggage between Riverside and United States Naval Training Base located about five miles north of Twenty Nine Palms, a distance of approximately ninety-nine miles. The service would be restricted to naval personnel. No intermediate points would be served. The route of operation would be over United States Highway No. 60 between Riverside and Whitewater, thence over an unnumbered highway between Whitewater and the Naval Training Base through Warren Wells and Twenty Nine Palms. The proposed operation would be conducted separately and distinctly from applicant's present service between Banning and Twenty Nine Palms.⁽¹⁾

It is proposed to operate a schedule leaving the Naval Base at 1:00 p.m. on Friday of each week. A return trip would be

(1) Applicant now conducts a passenger stage service between Banning and Twenty Nine Palms and intermediate points, via Whitewater, seasonally between the approximate dates of September 15 and July 15.

made leaving Riverside at 12:01 a.m. Monday of each week. The proposed one-way and roundtrip fares are \$2.45 and \$4.50, respectively.

As justification for the authority sought applicant alleges, in part, as follows:

The United States Navy constructed and maintains a Navy Training Base located approximately five miles north and easterly of an unincorporated area in San Bernardino County known as Twenty Nine Palms. That many officers and men are stationed at this base, in addition to civilian workers. That applicant is informed and believes, ... that 25 per cent of the naval personnel are granted leaves during the week-ends and from day to day. That most civilian workers at said camp are off duty from Friday afternoon until Monday morning. That those stationed at said base find it necessary when time permits to travel to Riverside, California, where some remain and many others board the Pacific Electric Railway and other transportation facilities at Riverside for points beyond, with the greater number generally having ultimate destination at Los Angeles, California. That the commanding officers in charge of transportation at said navy base have on many occasions requested applicant to provide the proposed service.

There is no common carrier service being conducted between the points for which applicant requests a certificate. Pacific Greyhound Lines conducts a passenger stage service over that portion of the proposed route of applicant between Banning and Whitewater. It has informed the Commission that it does not desire to oppose the granting of the application.

In our opinion the authority sought is in the public interest and should be granted. No public hearing is necessary.

John C. Hastie 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

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 John C. Hastie authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers and baggage between Riverside and United States Naval Training Base located about five miles north of Twenty Nine Palms.

(2) That in providing service pursuant to the foregoing certificate, the following service regulations shall be complied with:

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 the 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:

Over United States Highway No. 60 between Riverside and Whitewater, thence over and along the public highway to United States Naval Training Base.

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

Dated at San Francisco, California, this 20th day of March, 1945.

David C. ...

Richard ...

Thomas ...

Irving ...

COMMISSIONERS