

Decision No. 37734

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of W. PAUL BUTLER, doing business as RIVERSIDE RAPID TRANSIT LINES, for a certificate of public convenience and necessity to operate an automotive passenger stage service for the transportation of passengers and baggage between Riverside and San Bernerdino on one hand and United States Navy Hospitals near Beaumont and Banning on the other hand, via U.S. Highways 60, 70 and 99, as an extension.)

**ORIGINAL**

Application No. 26551

BY THE COMMISSION:

O P I N I O N

The amended application of W. Paul Butler, doing business as Riverside Rapid Transit Lines, requests authorization to extend his passenger stage service between Riverside and the United States Naval Hospitals near Beaumont and Banning, and between San Bernardino and said hospitals.

Applicant presently conducts, among other operations, a passenger stage service between Corona and Riverside and the intermediate points of Norco and the United States Naval Hospital near Corona. In the application before us he proposes: (a) to extend his service between Riverside and the United States Naval Hospitals, one of which is approximately five miles northerly of Beaumont, and the other, two miles westerly of Banning; and (b) between San Bernardino and said hospitals.

The proposal of applicant, in substance, is shown in the following schedule:

<u>OPERATION</u>	<u>DISTANCE</u>	<u>SERVICE</u>	<u>FARE</u>
Banning- Riverside	33 miles	Lv. Banning 12:01 p.m.)twice 4:30 p.m.) weekly	RT \$1.00
Beaumont- Riverside	33 miles	Lv. Beaumont 12:25 p.m.)twice 4:55 p.m.)weekly	RT \$1.00
Banning- San Bernardino	33 miles	Lv. Banning 1:00 p.m. weekly	RT \$1.00
Beaumont- San Bernardino	33 miles	Lv. Beaumont 1:25 p.m. weekly	RT \$1.00

There is also a twice weekly schedule between the hospitals. Applicant has sufficient equipment available to operate the proposed service. No local service is proposed.

The following conditions are relied upon by applicant to justify the proposed service:

The United States Navy has constructed and now maintains navy hospital bases near Beaumont and Banning, and a large naval and civilian personnel is stationed at said hospitals. Approximately 60 per cent of the officers and men are convalescents, who require the services of doctors, nurses and civilian workers, all of whom have frequent occasion to travel between the bases and Riverside and San Bernardino, and even beyond to Los Angeles.

Frequent requests for transportation of the type proposed have been made to applicant by the commanding officers in charge of the hospitals, as well as by government transportation officers at the Eleventh Naval District at San Diego.

There is at present no passenger stage or rail service or other means of transportation between the points proposed to be served by applicant.

Attached to the application is a communication from the Transportation Officer of the Eleventh Naval District directed to applicant urging the immediate establishment and maintenance of the service as it is proposed by applicant.

It appears from the showing made by applicant that the proposed service is a necessary one, and that public convenience and

necessity will be served by the granting of the application. There is no need for a public hearing.

W. Paul Butler 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

The above entitled matter having been fully considered, and the Commission being duly advised therein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to W. Paul Butler 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 and their baggage between Riverside, on the one hand, and the United States Naval Hospitals located approximately five miles northerly of Beaumont, and two miles westerly of Banning, on the other hand; and between San Bernardino, on the one hand, and said hospitals, on the other hand, as an extension and enlargement of the operative rights heretofore granted to applicant by Decision No. 35514, subject to the following restrictions:

- (a) Service shall be limited to the transportation of naval personnel, government employees and civilians located at, or employed by, the United States Naval Hospital, five miles northerly of Beaumont, and the United States Naval Hospital, two miles westerly of Banning.
- (b) No service shall be rendered to, from or between points intermediate of the said hospitals and Riverside, or San Bernardino.

(2) That in the operation of service pursuant to the foregoing certificate, W. Paul Butler 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 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 this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:
  - (a) Between Riverside and the United States Naval Hospital at Beaumont via U.S. Highways 60, 70 and 99 and Beaumont Avenue.
  - (b) Between Riverside and the United States Naval Hospital at Banning, via U.S. Highways 60, 70 and 99 and one-half mile north on Sunset Avenue.
  - (c) Between San Bernardino and the United States Naval Hospital at Beaumont via U.S. Highways 395, 70 and 99 and Beaumont Avenue.
  - (d) Between San Bernardino and the United States Naval Hospital at Banning, via U.S. Highways 395, 70 and 99 and one-half mile north on Sunset Avenue.

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

Dated at San Francisco, California, this 20<sup>th</sup> day  
of March, 1945.

David Ordway

Richard Kachka

Francis Cowie

Robert Lowell  
COMMISSIONERS