

Decision No. 38135

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 Alton H. Putnam and Charles E. Warren,)
 dba California Southern Bus Co.,)
 operating an automobile passenger)
 line; petitioning that rights origi-)
 nally granted under Decision No. 36375,)
 and transferred by Decision Nos. 37685)
 and 37849 be revised by incorporating)
 therewith rights originally granted)
 by a municipal corporation, and by)
 incorporating certain extensions of)
 route for operational economy; all in)
 the vicinity of National City, Paradise)
 Valley, Paradise Hills, and Lincoln)
 Acres; in San Diego County, California.)

ORIGINAL

Application No. 26783

ALTON H. PUTNAM and CHARLES E. WARREN,
 propria personae

JEAN D. RATELLE, for City of National City,
 interested party

BY THE COMMISSION:

O P I N I O N

Applicant requests authority to extend his present operative right to the Paradise Valley and Lincoln Acres areas of National City and San Diego County, from the intersection of "D" Avenue and Eighth Street, thence along Eighth Street, Harbison Avenue, thence southerly over various streets to the intersection of Sweetwater Road and Thirty-second Street, an aggregate distance of approximately five miles. The area proposed to be served is rural residential in character.

Applicant is presently authorized to operate, with certain local restrictions, between the intersection of First

Street and National Avenue in National City, to the intersection of Thirty-second Street and Ridgeway Drive, also in the Lincoln Acres District of San Diego County. (1)

A public hearing was held before Examiner Chiesa in National City on July 5, 1945, at which time the matter was duly submitted and it is now ready for decision.

The record shows that there is no public transportation facility along the proposed route; that many civilian and war workers and others living in the area are required to use their private automobiles or share-the-ride; that a large hospital and sanitarium and in excess of 350 permanent homes are located along the proposed route; that over 1200 persons will have access to the proposed service; that the population of this area is steadily increasing.

Public witnesses testified that the proposed service is urgently needed and would be convenient to residents, patients, and hospital employees in getting to and from the downtown district.

The evidence shows that applicant recently purchased and put into operation a 1945 27-passenger Ford transit type bus, that one additional similar type bus has been contracted for early delivery, and that applicant has other equipment available for standby service. Schedules will be on an hourly headway between 5:30 a.m. and 11:00 p.m. with some slight variation, depending on public demand. A one-way fare of 15 cents is proposed. Tokens will be sold which will reduce the fare to 12½ cents or 10 cents, depending on the zones traversed. A fare break point will be established at Eighth Street and

(1) This operative right, created by Decision No. 36375, dated May 25, 1943, was acquired by applicant under authority granted by Decision No. 37849, dated May 1, 1943.

Harbison Avenue. Children will be permitted to ride for half fare.

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

Based upon facts as set forth in this opinion, we find and conclude that the proposed service is necessary and will be in the public interest, therefore, the application will be granted.

A. E. Putnam and Charles E. Warren, partners, 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.

O R D E R

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

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Alton E. Putnam and Charles E. Warren, partners, authorizing them to operate as a "passenger stage corporation", as that term is defined in Section 2½ of the

Public Utilities Act, for the transportation of passengers between the intersection of "D" Avenue and Eighth Street, in National City, and the intersection of Thirty-second Street and Sweetwater Road, in San Diego County, and intermediate points, as an extension and enlargement of applicant's present operative right subject to the following conditions and restrictions:

(a) No passengers shall be transported having both origin and destination between the intersection of First Street and National Avenue and the intersection of Eighth Street and "J" Avenue.

(2) That in the operation of said passenger stage service pursuant to the foregoing certificate, Alton E. Putnam and Charles E. Warren, partners, shall comply with and observe the following service regulations:

(a) 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.

(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 it at any time by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

Beginning at the intersection of "D" Avenue and Eighth Street, thence along Eighth Street, Harbison Avenue, Sixteenth Street, Allegheny Street, Reo Drive, Potomac Street, Eighteenth Street to its intersection with Granger Avenue; also beginning at the intersection of Flintridge Drive and Allegheny Street, thence along Flintridge Drive, Albormarle Street, Reo Drive to its intersection with Potomac Street; also, beginning at the intersection of Albermarle Street and Reo Drive, thence along Reo Drive, Valley Road, Sweetwater Road to its intersection with Thirty-second Street.

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 14th day of August, 1945.

David Rubin
James F. Cagney
Richard L. Lusk
Frank W. Cleva
James H. Luce
COMMISSIONERS