

Decision No. 38165

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of R. H. CAPLAN, an individual, doing business as STANISLAUS STAGE LINE for a certificate of public convenience and necessity authorizing the transportation of passengers, baggage and express between Modesto and Waterford, serving Empire, Hughson, Hickman and all other intermediate points.

ORIGINAL

Application No. 26865

BY THE COMMISSION:

O P I N I O N

In the above entitled application R. H. Caplan seeks a certificate authorizing the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles as a passenger stage corporation between Modesto and Waterford and intermediate points.

(1)
The proposed fares are shown in the margin. Initially applicant proposes to establish three daily round-trip schedules. He now owns two 1940 model Dodge passenger stages with a seating capacity of 25 passengers which he would use in the proposed service. This equipment is fully paid for.

(1)		<u>Proposed One Way and Round Trip Fares</u>				
Mileage From Modesto			Modesto	Empire	Hughson	Hickman
5.0	Empire	OW	.15	-		
		RT	.30	-		
9.6	Hughson	OW	.30	.15	-	
		RT	.55	.30	-	
17.0	Hickman	OW	.45	.35	.25	-
		RT	.85	.65	.45	-
18.5	Waterford	OW	.45	.35	.25	.10
		RT	.85	.65	.45	.20

Limits - One Way - Continuous passage
Round Trip - Thirty (30) days

In support of the authority sought, the application states as follows:

All of the points proposed to be served are located in a territory which is expanding as an agricultural, dairy and industrial area and which will, in the opinion of the applicant, continue to develop rapidly during the post-war period.

Several canneries located in this area have been required to obtain and operate their own stages in transporting employees to and from their residences within the area proposed to be served by applicant. The proposed service of applicant will greatly aid these canneries by making more transportation available for their employees. The proposed service is also needed in transporting fruit pickers to and from vineyards, orchards and farms located in this area.

Residents of this area need applicant's service in travelling to and from Modesto for business and shopping as well as for medical and dental care.

The service proposed by applicant would furnish to this territory a more adequate and satisfactory transportation service than is now available and at lower rates.

The application further states that there is no public transportation between any of the points involved except taxicab service. In our opinion there is a public need for the authority sought, which will be granted. No public hearing is necessary.

R. H. Caplan 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

Good cause appearing,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to R. H. Caplan 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, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles, between Modesto and Waterford and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, 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 30 days from the effective date hereof.
2. Applicant shall comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, appropriate tariffs and time tables within 60 days from the effective date hereof and on not less than 5 days' 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:

Beginning at Modesto, thence along State Highway 132 to Empire, thence over county highways via Hughson and Hickman to Waterford.

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

Dated at San Francisco, California, August 27, 1945..

David C. Culver
Justice C. C. C. C.
Richard K. K.
James D. D.
 COMMISSIONERS