

Decision No. 38454

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
P. B. HACKLEY, JR., doing business as)
MENDOCINO TRANSIT COMPANY, for a)
certificate of public convenience)
and necessity for the transportation)
of passengers, baggage and shipments)
of express weighing not to exceed 100)
pounds each between Boonville and)
Williams and intermediate points.)

ORIGINAL

Application No. 26923

O P I N I O N

The applicant is engaged in the operation of a passenger stage service between Fort Bragg and Santa Rosa and intermediate points, exclusive of local service between Cloverdale and Santa Rosa, and also in the operation of a passenger and express service between Fort Bragg and Willits and intermediate points.

The application before us requests a certificate of public convenience and necessity authorizing operation of a daily automotive service for the transportation of passengers, baggage and shipments of express weighing not to exceed 100 pounds each between Boonville and Williams and intermediate points, a distance of approximately 113 miles.

In support of the application it is alleged as follows:

That there is need for a direct public transportation service between Fort Bragg, Ukiah and other points in Mendocino County and points in Lake County, on the one hand, and Williams and other points in the Sacramento Valley, on the other hand, and also between Boonville and Ukiah and contiguous points in both areas.

(1) Decision No. 34293, dated June 10, 1941, Application No. 23616.
(2) Decision No. 36293, dated April 13, 1945, Application No. 25073.

That there is a substantial differential in mileage, fares and elapsed time under present service as compared with that proposed by applicant. (3)

That there is no passenger or express service between points on the proposed route, except the service rendered by Pacific Greyhound Lines, as referred to below.

(4)

Proposed passenger fares are set forth in the margin. Express shipments will be limited to 100 pounds each, on a basis of 25-cents up to 10 pounds, 50-cents to 60 pounds and 70-cents to 100 pounds. Time schedules indicate that the eastbound bus will leave Boonville at 8:55 a.m. arriving at Williams at 1:25 p.m., returning, leave Williams at 3:30 p.m., arriving at Boonville at 8:00 p.m. Applicant will have available for the service two 16-passenger buses.

There is submitted with the application a tabulation setting forth on an annual basis an estimate of operating revenues and expenses for the proposed service. According to applicant's estimate the proposed new operation would produce \$18,560.25 in revenue with operating expenses for the period of \$15,377.45, leaving an indicated profit of \$3,182.80 or 3.9 cents per mile.

(3)

BETWEEN UKIAH AND WILLIAMS

	<u>Mileage</u>	<u>Fares</u>	<u>Elapsed Time</u>
Present (1)	213	\$3.20 (2)	12 hrs. 41 min.
Proposed	89	2.65 (2)	3 hrs. 10 min.
Differences	124	.55	9 hrs. 31 min.

(1) Via Pacific Greyhound Lines to Santa Rosa, thence to Vallejo, thence to Williams.

(2) Plus Tax.

(4)

PASSENGER FARES

<u>BETWEEN</u>	<u>BOONVILLE</u>		<u>UKIAH</u>		<u>UPPER LAKE</u>	
	<u>One-way</u>	<u>Round-trip</u>	<u>One-way</u>	<u>Round-trip</u>	<u>One-way</u>	<u>Round-trip</u>
Ukiah	\$.70	\$1.30	\$.80	\$ 1.45	\$.85	\$1.55
Upper Lake	1.55	2.80	2.65	4.80	1.85	3.35
Williams	3.40	6.15				

No protest developed to the granting of the application, either from carriers in the territory or from any other source. On the contrary, the proposed service has the official endorsement of fourteen public service bodies in the area including boards of supervisors, chambers of commerce, city councils and granges. Waivers of protest have been filed by Southern Pacific Company, Northwestern Pacific Railroad Co., Pacific Motor Trucking Company, Pacific Greyhound Lines, California Western Railroad and Navigation Co. and Railway Express Agency Inc. Southern Pacific Company couples its waiver with a condition that applicant shall not transport express shipments locally between Boonville Junction and Lucerne and points intermediate thereto, which is agreed to by applicant.

Pacific Greyhound Lines operates a daily passenger service during the summer months between Lower Lake Junction, about four miles east of Clear Lake Oaks, and Lake County Junction, approximately three miles north of Ukiah. It also operates a year-round service between Boonville Junction, three miles south of Ukiah, and Lake County Junction. The only passenger service operated by Pacific Greyhound between Ukiah and Williams is by the indirect route via Santa Rosa and Vallejo.

We have given due consideration to this matter and it appears that the public interest will be served by the establishment and operation of the proposed service, and that a certificate of public convenience and necessity authorizing such service should be granted to applicant. A public hearing is not deemed necessary.

P. B. Hackley, Jr. 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

Application having been made as above entitled and the Commission being advised in the matter,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to P. B. Hackley, Jr., 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, baggage and shipments of express weighing not to exceed 100 pounds each between Boonville and Williams and intermediate points, subject to the following restrictions:

No express shipments shall be transported locally between Boonville Junction and Lucerne, and points intermediate thereto.

(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 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, tariffs and time schedules satisfactory to the Commission 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 it at any time by further order, applicant shall conduct said passenger stage operation over and along U. S. Highway 101, State Highway 20, and an unnumbered county road between Boonville and Boonville Junction.

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

Dated at San Francisco, California, this 27th
day of November, 1945.

Edward Culver
Justus F. Coe
Francis D. ...
Irving Russell
Harold Huls
COMMISSIONERS