

Decision No. 38519

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of STOCKTON CITY LINES, INC., for authority to reroute certain motor coach lines; separate the Poplar Street line and Fremont-Pollock line and operate them as two separate lines; and inaugurate a new line between Hunter Square, in Stockton, and Cardinal Ave. and Washington Street, in the county of San Joaquin, a distance of approximately 4.3 miles.

Application No. 26580

JONES and QUINN, for Stockton City Lines, Inc., applicant.

REGINALD L. VAUGHAN, for Eskdale Newton, doing business as Newton Transportation Company, protestant.

JOSEPH C. TOPE, City Attorney of Stockton, for city of Stockton, interested party.

BY THE COMMISSION:

INTERIM OPINION

In this proceeding applicant Stockton City Lines, Inc., a corporation, sought authority, among other things, to extend its motor coach service between Hunter Square at Main and San Joaquin Streets, in the central business district of Stockton, and Cardinal Avenue and Washington Street, situated in San Joaquin County, east of the city boundary, a distance of approximately 4.3 miles. Following a public hearing, this request was granted by Decision No. 38029, rendered herein June 26, 1945. Subsequently, this proceeding was reopened and a further hearing was had on September 12, 1945, before Examiners Hall and Austin at Stockton, when it was resubmitted. Thereafter, the matter was reopened, and heard before the same examiners at Stockton on December 10, 1945, when it was again submitted on briefs to be filed by protestant Newton and by applicant by January 15 and January 25, 1946, respectively.

The record discloses that the residents of the area involved, lying east of Anteros Street, urgently need an adequate transportation service, the present service being wholly inadequate to meet their requirements. To reach applicant's Main Street line, or protestant's East Fremont Street Line, they are required to walk distances ranging from one-half mile to one mile and upwards. Taxi cab fares between this district and other sections of Stockton are high; private automobiles, used by wage earners, are not available to other members of the family; and group riding, prevalent during war-time, has largely disappeared. School children find it difficult to attend either primary or high schools. In view of the facts shown of record, a temporary certificate will be issued to applicant.

Protestant conceded the existence of a pressing need for a more adequate service but contended that the route should stem from applicant's present East Main Street line, a proposal to which applicant would not agree. Under the circumstances we shall authorize the establishment of a service over the route proposed in the application, subject to the limitations specified in the following order. This certificate will be issued without prejudice to the Commission's right to modify or revoke it by any order which may subsequently be rendered in this proceeding.

Stockton City Lines, Inc., 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.

INTERIM ORDER

Application having been made as above entitled, the Commission having considered the matter, and it appearing that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a temporary certificate of public convenience and necessity be, and it is hereby granted to Stockton City Lines, Inc., a corporation, authorizing the establishment and operation of a service as a passenger stage corporation, as defined by Section 24, Public Utilities Act, to be consolidated with its present operations, for the transportation of passengers between the points and over the route described as follows:

Commencing at a loop in the city of Stockton, around the block bounded by San Joaquin, Main and Hunter Streets and Weber Avenue, thence east on Weber Avenue to Ophir Street; south on Ophir Street to Main Street, southeast on Main Street to Market Street, east on Market Street to La Salle Street, south on La Salle Street to Washington Street, east on Washington Street to Del Norte Avenue, south on Del Norte Avenue to Marsh Street, east on Marsh Street to Cardinal Avenue, north on Cardinal Avenue to Washington Street, west on Washington Street to Walker Lane, south on Walker Lane to Marsh Street, in San Joaquin County, east of and in the territory situated adjacent to the Stockton city limits; returning via the same route.

Said certificate is granted subject to the following conditions:

- (a) That said certificate may be modified or revoked by any order subsequently rendered herein, and it shall create no presumption that corresponding permanent authority would be granted thereafter.
- (b) That no passengers may be picked up or discharged at any point on Washington Street between Filbert Street and La Salle Street.

(2) That in providing service pursuant to the certificate herein granted, applicant 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.

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

Dated at San Francisco, California, this 14th day of December, 1945.

[Signature]

Francis Clark

[Signature]

Harold P. Huls

COMMISSIONERS