

Decision No. 38694

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Harry Barley, for certificate to)
 operate passenger service between) Application No. 27229
 Rio Nido and Guernewood Park,)
 California, and intermediate points.)

O P I N I O N

ORIGINAL

Harry Barley requests the Commission to grant to him a certificate of public convenience and necessity authorizing the establishment and operation of service for the transportation of passengers between Rio Nido and Guernewood Park and intermediate points as a passenger stage corporation as defined in Section 24 of the Public Utilities Act. He proposes to conduct such operation seasonally between approximately June 1 and September 9 of each year. Initially, he would establish 11 round trips daily between noon and midnight. The distance between Rio Nido and Guernewood Park is approximately 3 miles. Guerneville, located about midway between termini, is the principle town of the area. The proposed one-way fare between Guerneville and both Rio Nido and Guernewood Park is 10¢. The proposed one-way fare between termini is 20¢ which is a combination of the local fares. Applicant proposes to inaugurate service by the use of one 5 passenger automobile. Additional equipment would be provided as required to meet the public need. As justification for the authority sought, applicant alleges:

Applicant is informed and believes, and upon such information and belief alleges that there should be transportation between Rio Nido and Guernewood Park, California, and intermediate points, from twelve o'clock noon until twelve o'clock midnight, as there is no other means of transportation from seven o'clock p.m., until twelve o'clock midnight, between said points. That said transportation would be a means of transportation to the moving picture show at Guerneville, California, which show starts at seven o'clock, p.m.

That Rio Nido, Guerneville and Guerneville Park are in the center of vacation land, and that there are approximately 20,000 to 30,000 persons who spend their vacations at said points from the months of June to September, and that over one-half of said vacationers have no means of transportation between said points after seven o'clock, p.m., as aforesaid.

The only public carrier of passengers now operating in this area is Pacific Greyhound Lines. Under date of February 7, 1946, Greyhound informed the Commission by letter that it does not desire to offer any protest to the granting of the application.

After consideration of applicant's request, it appears that his application should be granted and the order will so provide.

Harry Barley 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

An application therefor having been received and the Commission being fully informed,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Harry Barley authorizing the establishment and operation of service as a passenger stage corporation as defined

in Section 24 of the Public Utilities Act, for the transportation of passengers between Rio Nido, Guerneville and Guerneville Park and intermediate points during the season from approximately June 1 to approximately September 9 of each year.

(2) That in providing service pursuant to the foregoing certificate, applicant shall comply with and observe the following service regulations:

- (a) Applicant shall within 30 days from the date hereof file an acceptance of the certificate herein granted.
- (b) Applicant shall comply with General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate and concurrently making effective tariffs and time tables reflecting the authority herein granted, within 60 days from the date hereof and upon not less than 5 days' notice to the Commission and the public.
- (c) Subject to the authority of this Commission to change or modify such at any time, Harry Barley shall conduct said passenger stage operation over and along the county road between the points authorized to be served.

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

Dated at San Francisco, California, this 19th day of February, 1946.

David Anderson

George W. Carey

Samuel H. Powell

Harold P. Hulse

COMMISSIONERS