

Decision No. 38856

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
ARVIN LINE, a corporation, for a )	
certificate authorizing a passenger )	Application No. 27358
stage service as an extension and )	
enlargement of applicant's present )	
rights. )	

O P I N I O N

Arvin Line is a corporation operating a passenger stage transportation service between Bakersfield and Mojave. By this application it seeks to enlarge its present operating rights by establishing an additional route within the city of Bakersfield and East Bakersfield. Such service would commence at the intersection of Edison Highway and Washington Avenue and extend approximately two miles to the intersection of Fairfax Road and Red Bank Road, with a diversion at Sterling Road to East Nile Street, all as more fully described in the service regulation of the order following.

Applicant justifies the additional service upon the ground that the area proposed to be served has grown substantially in population, and that there are approximately 1300 homes along the routes on which applicant proposes to extend its service. Many persons employed in Bakersfield have their residence in the territory which applicant seeks to serve, in addition to which there is the usual flow of shoppers to and from the urban community from surrounding districts.

The proposed service will be maintained on a half hourly schedule during the peak hours. One-way fare between Bakersfield and the junction of Fairfax Road is ten cents, and between Bakersfield and the junction of Fairfax Road and Red Bank Road is

fifteen cents. No other common carrier operates between the points or along the routes proposed to be served.

Giving due consideration to this matter, we conclude that the public interest will be served by the establishment and operation of the service as proposed, and a certificate of public convenience and necessity authorizing such service will be granted. It does not appear that a public hearing is required.

Arvin Line 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 duly advised in the matter,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Arvin Line, a corporation, 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 points within the city of Bakersfield and between such points and points east thereof,

including intermediate points, as more particularly described in Service Regulation (c) of this order, as an extension and enlargement of applicant's present operative rights.

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

- (a) Applicant shall file a written acceptance of the certificate granted within a period of not to exceed 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 60 days from the effective date hereof and on 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 by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Beginning at the intersection of Edison Highway (U.S. Highway 466) and Washington Avenue, thence Washington Avenue, Potomac Avenue, Mt. Vernon Avenue, Lake Street, Oswald Street, Pioneer Drive, Fairfax Road to the intersection of Fairfax Road and Red Bank Road.

- (a) Between the intersection of Sterling Road and Pioneer Drive and East Nile Street (State Highway, Route 57 to Kern River Canyon) and Sterling Drive, via Sterling Drive.

The effective date of this order shall be 20 days from the date hereof.

Dated at Los Angeles, California, April 16, 1946.

David C. Baker  
Justice F. Cravens  
Thomas C. Lewis

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Thomas C. Lewis  
COMMISSIONERS