

Decision No. 38902

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MT. LASSEN MOTOR TRANSIT, INC., for)
a certificate of public convenience)
and necessity to operate a passenger)
stage service between the California-)
Nevada State Line, near Purdy, and)
Keddie, and to consolidate such op-)
erative right with applicant's exis-)
ting operative rights.)

Application No. 27249

O P I N I O N

Mt. Lassen Motor Transit, Inc., conducts highway common carrier and passenger stage operations between Red Bluff and a point on the California-Nevada State Line near Purdy, California, and intermediate points. It also conducts an interstate operation over this route between Red Bluff and Reno, Nevada. This operation is via Mineral, Chester, Westwood and Susanville. It also provides a truck and stage service between Westwood and Keddie and intermediate points.
(1)

In the above entitled application as amended, applicant requests a certificate of public convenience and necessity authorizing the transportation of passengers, baggage and express between Keddie, California, and the intersection of U. S. Highway No. 395 and the California-Nevada State Line near Purdy, California, and intermediate points over U. S. Highway No. 395 and State Highway No. 24. Express would be limited to shipments weighing not to exceed 20 pounds each on passenger vehicles, except that such weight limit would not apply to shipments of motion picture films.

(1) The intrastate service is provided pursuant to certificate granted by the Commission's Decision No. 24922 in Application No. 18085.

Short diversions from this route would be made to serve Feather River Camp, Grizzly Ice Camp, Blairsdon, Graeagle, Mohawk, Camp Layman, Cromberg and Sloat. Applicant requests that such certificate be consolidated with that granted by Decision No. 24922, in order to permit a unified operation and through service between the points involved herein and the points which it presently serves.

The distance between the California-Nevada State Line and Keddie is approximately 77 miles. Applicant's proposed one-way and round trip adult fares between these points are \$2.20 and \$4.00, respectively. Fares between other points would be in proportion. Rates for the transportation of express would be the minimum rates established by the Commission in Case No. 4246. Rates for the transportation of newspapers would be one cent a pound between all points along the proposed route with a minimum charge of 10 cents a shipment.

As justification for the authority sought, the application states in substance that applicant is presently transporting passengers, baggage and express in interstate commerce between Reno, Nevada, and Keddie, California, and intermediate points over the route involved pursuant to authority obtained from the Interstate Commerce Commission; that there are numerous towns, communities, settlements, ranches and resorts along the proposed route of operations; that there is a steady flow of passengers, baggage and express between these points, particularly to and from Quincy, the county seat, and Portola, a division point of the Western Pacific Railroad. It is also stated that inhabitants along the proposed route have need to travel to and from Quincy, Portola and other centers of population for shopping and amusement

purposes and that there is a public need for a service for the transportation of small shipments of groceries, supplies, repair parts, laundry and other items between centers of population in this area and outlying communities. The application further states that the existing transportation services do not meet the local needs. The only common carriers transporting passengers or express between the points involved are the Western Pacific Railroad Company, Railway Express Agency, Incorporated, and Pacific Greyhound Lines. It is asserted that Western Pacific operates only one passenger train each way daily which makes stops in the area involved, the easterly terminus of which is Portola. Eastbound this train leaves Keddle at 9:20 p.m. and arrives at Portola at 11:20 p.m. Westbound it leaves Portola at 5 a.m. and arrives at Keddle at 6:26 a.m., as a result of which the train service is of little benefit to the public at the points served. Railway Express Agency uses this train in providing service at the rail points. Pacific Greyhound conducts a seasonal service between Keddle and Portola from approximately the middle of June until about the first of September of each year. It does not operate east of Portola on this route. Only one round trip a day is provided to and from points along State Highway No. 24. It does not serve any of the off-route points which applicant proposes to serve.

The Western Pacific Railroad Company, the Railway Express Agency, Incorporated and Pacific Greyhound Lines have filed with the Commission written waivers of protest to the granting of the application.

The Commission has fully considered this matter and it appears that there is a public need for the service proposed by

applicant, and the application will be granted. No public hearing is necessary.

Mt. Lassen Motor Transit, 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.

O R D E R

An application therefor having been filed and it appearing that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Mt. Lassen Motor Transit, Inc., 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, baggage and shipments of express weighing not in excess of 20 pounds each on passenger vehicles, provided that such weight limitation shall not apply to shipments of motion picture film, between Keddie and a point on the California-Nevada State Line near Purdy where U. S. Highway No. 395 crosses such line, and intermediate points via

Fortola, Delleker and Quincy and the off-route points of Feather River Camp, Blairsden, Grizzly Ice Camp, Graagle, Mohawk, Camp Layman, Cromberg and Sloat, as an extension of and consolidated with the operative right created by Decision No. 24922.

(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 herein granted within a period of not to exceed 30 days from the effective date hereof.
- (b) Applicant shall establish the service herein authorized and comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 94-A by filing 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.
- (c) Subject to the authority of this 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:

Over and along U. S. Highway No. 395 and State Highway No. 24 between Keddie and a point where said U. S. Highway No. 395 crosses the California-Nevada State Line near Purdy with diversions therefrom over public highways to serve the off-route points as authorized herein.

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

Dated at San Francisco, California, this 2nd day of May, 1946.

Harold Hudson
Justus F. Casseus
James W. [unclear]
John H. [unclear]

COMMISSIONERS