

ORIGINAL

Decision No. 29420

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CHARLES A. CHRISTENSON and JOHN T. )  
SMITH, operating under the name of )  
RODEO BUS SERVICE for certificate of )  
public convenience and necessity to )  
establish and operate an automotive )  
service for the transportation of )  
passengers in the township of Rodeo.)

Application No: 27469

O P I N I O N

By the above entitled application, Charles A. Christenson and John T. Smith, partners, doing business as Rodeo Bus Service request a certificate authorizing the establishment of a passenger stage service between Rodeo and adjacent communities known as Bayo Vista Housing Project, East Rodeo and West Rodeo and intermediate points.

Service would be operated from the proposed terminal in Rodeo on one-half hour intervals between 7 a.m. and 12 p.m. over two loop routes. One route would provide service between Rodeo and East Rodeo and the other route would provide service between Rodeo and West Rodeo. Between any point on one route and any other point on the same route the proposed fare is 5 cents. Between any point on one route and any point on the other route the proposed fare is 10 cents. The application states that initially service would be provided by the use of one passenger stage with a seating capacity of 25 to 35 passengers which is now on order on an application pending before the War Assets Administration of San Francisco on a veteran's preference certificate. According to financial statements submitted by applicants, their combined net worth appears to be approximately \$15,000.

As justification for the authority sought, applicants allege in substance that at present there is no local transportation provided between the communities similar to that which they propose except a service provided by the United States Navy between Bayo Vista Housing Project and Rodeo, which, according to a communication from the Commanding Officer of the Mare Island Naval Shipyard, will be discontinued at such time as another satisfactory transportation service is furnished. According to the application, applicants' proposed service is needed by the residents of other portions of the community in travelling to and from the central shopping district which is located in Rodeo and for school children residing in the outlying districts in travelling between their homes and schools located in Rodeo. According to a letter by the Rodeo District Superintendent of Schools attached to the application as Exhibit "F", such district provides transportation only for first grade and kindergarten school children as a result of which many of the 950 pupils enrolled in the schools are without needed transportation.

The only passenger stage corporation in the field is Pacific Greyhound Lines which has waived protest to the application.

After full consideration, we are of the opinion that there is a public need for the service proposed by applicants and the application will be granted.

Charles A. Christenson and John T. Smith are 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 made, the Commission being fully informed therein and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Charles A. Christenson and John T. Smith, partners, authorizing the establishment and operation of service as a passenger stage corporation as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between Rodeo, Bayo Vista Housing Project, East Rodeo, West Rodeo and intermediate points.

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

- a. Applicants 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. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and 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 tables.

c. Subject to the authority of this Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Route 1.

Beginning at the intersection of 3rd Street and Parker Avenue; thence along Parker Avenue; First Street, Railroad Avenue, Mariposa Street, Vaqueros Avenue, 2nd Street, Wileman Way, Tunny Road, Trigger Road, Tullibee Road, Tunny Road, Mahoney Street, Sonoma Avenue, 4th Street, Suisun Avenue, Napa Avenue, 3rd Street, Railroad Avenue, Investment Street, to Parker Avenue and 3rd Street, the point of beginning.

Route 2.

Beginning at the intersection of Pacific Avenue and Parker Avenue thence along Pacific Avenue, Rodeo Avenue, First Street, Garretson Avenue, Second Street, Harris Avenue, Fourth Street, Garretson Avenue, Seventh Street, Parker Avenue, Fourth Street, Lake Avenue, Third Street, to Parker Avenue and Pacific Avenue, the point of beginning.

Applicants may turn their motor vehicles at termini or intermediate points either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection.

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

Dated at San Diego, California, this 20<sup>th</sup> day of June, 1946.

L. Harold Rudman  
Justice F. O'Connell  
William C. ...  
John S. ...  
Harold A. Kula  
COMMISSIONERS