

Decision No. 39208

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EDWARD SEFRIN HEYEN for a certificate)
 of public convenience and necessity to)
 operate local passenger stage service)
 between the City of Oroville and Paxton)
 Addition and Pleasant Valley and the)
 Foothill District of the City of Oroville)
 and intracity passenger service in the)
 City of Oroville.)

Application No. 27553

ORIGINAL

O P I N I O N

This is an application by Edward Sefrin Heyen, doing business as Oroville Transit Lines, for a certificate of public convenience and necessity authorizing the transportation of passengers between Oroville and three subdivisions known as Paxton Addition, Pleasant Valley and Foothill District, all lying outside the city limits of Oroville. Local service within the city is proposed as well as to points intermediate between the city and the suburban areas named above.

The application recites that the entire area involved is without public transportation. This includes an estimated 5000 population in Oroville, and a somewhat larger population in the suburban residential districts. A public school is located near the center of this subdivision $1\frac{1}{2}$ miles south of Oroville. Various industries including canneries, lumber mills, packing plants and the Western Pacific roundhouse are located south of the city limits, all employing a large number of men. The area east of the city is not so thickly populated. Applicant estimates that more than one-half of the people doing business in Oroville reside outside the city limits.

For the purpose of establishing an equitable fare schedule applicant divides the territory which he proposes to serve into zones which are described in detail in the service regulations following. Fares are fixed as follows:

Local fare within the city	5 cents
Fare within each of the zones	5 cents
From Oroville to all zones	10 cents
Fare between the zones	15 cents

Applicant proposes to operate 12 schedules daily each way between its terminal in Oroville and the extremity of Paxton Addition at the junction of Virginia Avenue and Oroville-Palermo Highway. These schedules will be run hourly beginning at 7 a.m. From Oroville to Foothill District at Buena Vista Avenue, 5 schedules will be operated daily beginning at 9:30 a.m. On the reverse, there will be 6 schedules. From Oroville to Buena Vista Avenue and Midway Drive there are 6 schedules and on the reverse, 5 schedules. Applicant will operate as his initial equipment one coach with seating capacity of 33 passengers. This will be augmented as the necessity may arise.

There is no public carrier within the area to be served which would be adversely affected. A portion of applicant's proposed service will operate on the route now served by Robert F. Hines and Allen P. Williams for approximately one mile from the business district of Oroville, but these carriers have advised the Commission that they endorse the proposed service. The Western Pacific Railroad Company, Pacific Greyhound Lines and Gibson Lines have also filed notice that they will not oppose the application. The Oroville Chamber of Commerce is on record as favoring the application.

It appears that this application should be granted. No public hearing is necessary.

Edward Sefrin Heyen 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 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 hereby granted to Edward Sefrin Heyen, an individual, authorizing the establishment and operation of service as a passenger stage corporation, as defined by Section 2½ of the Public Utilities Act, for the transportation of passengers between Oroville and the districts known as Paxton Addition, Pleasant Valley and Foothill District, and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, Edward Sefrin Heyen shall comply with 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, within 60 days from the effective date hereof and upon not less than 1 day's notice to the Commission and the public, 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, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, applicant shall conduct operations pursuant to said certificate over and along the following routes:

ZONE 1 - City of Oroville

Route 1 - Beginning at the intersection of Myers Street and Bird Street, west on Bird Street to Lincoln Street, north on Lincoln Street to Montgomery Street, east on Montgomery Street to Myers Street, south on Myers Street to Park Avenue, east on Park Avenue to Hewitt Avenue, south on Hewitt Avenue to Mitchell Avenue, east on Mitchell Avenue to its intersection with Bridge Street.

Route 2 - Beginning at the intersection of Myers Street and Bird Street, west on Bird Street to Lincoln Street, north on Lincoln Street to Montgomery Street, east on Montgomery Street to Myers Street, south on Myers Street to Baldwin Avenue, east on Baldwin Avenue to Spencer Avenue, south on Spencer Avenue to Oro Avenue, east on Oro Avenue to Washington Avenue, north on Washington Avenue to Yard Street, east on Yard Street to Hammon Avenue, north on Hammon Avenue to Brereton Way, northeast on Brereton Way to Long Bar Road, south on Long Bar Road to its intersection with Feather River Highway.

ZONE 2 - Paxton Addition

Route 3 - Beginning at the intersection of Mitchell Avenue and Danielson Avenue, south on Danielson Avenue to Wyandotte Avenue, east on Wyandotte Avenue to Roseben Avenue, south on Roseben Avenue to Houston Street, west on Houston Street to Palermo Road, south on Palermo Road to Grove Street, east on Grove Street to Virginia Avenue, south on Virginia Avenue to its intersection with Palermo Highway. Returning, from the intersection of Virginia Avenue and Palermo Highway, north on Palermo Highway to its intersection with Grove Street, thence via the same route to starting point.

ZONE 3 - Pleasant Valley

Route 4 - Beginning at the intersection of Long Bar Road and Feather River Highway, east on Feather River Highway to Acacia Avenue, southeast on Acacia Avenue to Highlands Boulevard, north on Highlands Boulevard to Midway Drive, east on Midway Drive to its intersection with Buena Vista Avenue.

ZONE 4 - Foothill District

Route 5 - Beginning at the intersection of Mitchell Avenue and Quincy Road, southeast on Quincy Road to Buena Vista Avenue, northeast on Buena Vista Avenue to its intersection with Midway Drive.

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

Dated at San Francisco, California, this 13th day of August, 1946.

Harold P. Huls
Justus J. Calver
Francis O. Clark
John H. Laddell
A. J. [unclear]
 COMMISSIONERS