

Decision No. 39451

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
P. B. HACKLEY, JR., doing business as)
MENDOCINO TRANSIT COMPANY, for a)
certificate of public convenience and)
necessity for the transportation of)
passengers, baggage and shipments of)
express, weighing not to exceed 100)
pounds each, between Rumsey and Wilbur)
Springs Junction and intermediate)
points.)

ORIGINAL

Application No. 27522

In the Matter of the Application of)
GEORGE W. KISTER, doing business as)
PIONEER AUTO STAGE LINES, to sell,)
and P. B. HACKLEY, JR., doing business)
as MENDOCINO TRANSIT COMPANY, to pur-)
chase an automobile passenger and)
freight line operated between Colusa)
and Williams, California.)

Application No. 27523

In the Matter of the Application of)
B. J. GREER, doing business as WOOD-)
LAND-RUMSEY AUTO STAGE, to sell, and)
P. B. HACKLEY, JR., doing business as)
MENDOCINO TRANSIT COMPANY, to purchase)
an automobile passenger and express)
line operated between Woodland and)
Rumsey, California.)

Application No. 27524

P. B. HACKLEY, JR., in propria persona.

O P I N I O N

The above entitled matters are closely related as part of a general plan on the part of applicant P. B. Hackley, Jr., to extend his Fort Bragg-Santa Rosa-Ukiah passenger operations into the Sacramento Valley at Colusa and Woodland, respectively. For that reason the three applications were heard on a common record and the showing with respect to each of them will here be considered each in turn.

Application No. 27522

Applicant Hackley presently operates a passenger stage service between Fort Bragg and Santa Rosa and intermediate points,

exclusive of local service between Cloverdale and Santa Rosa, and
 between Fort Bragg and Willits, and intermediate points, and
 between Booneville and Williams and intermediate points. In
 addition to this service applicant in co-partnership with Chermian
 R. Ward conducts a local passenger service within the City of Napa
 and between Napa and adjacent areas. In the application as above
 numbered, applicant is requesting a certificate to operate a daily
 service between Rumsey and Wilbur Springs Junction. In an applica-
 tion filed concurrently herewith (Application No. 27524), B. J.
 Greer asks authority to sell to Hackley his (Greer's) passenger
 and express operative right between Woodland and Rumsey. This
 would permit a through operation by Hackley between Wilbur Springs
 Junction and Woodland. Under present transportation facilities,
 service between Rumsey and Clear Lake Oaks (on applicant's Boone-
 ville-Williams route) is unnecessarily circuitous and involves
 excessive travel time and a substantially higher passenger fare
 than that proposed by applicant. With the acquisition of the Greer
 Line, as described above, applicant Hackley's service would supply
 a direct route between Rumsey and Woodland and intermediate points,
 on the one hand, and points on his present Booneville-Williams
 route, on the other hand.

(1) Decisions Nos. 34293 and 34761.

(2) Decision No. 36293.

(3) Decision No. 38454.

(4) Pacific Greyhound Lines operates a passenger and express service between Woodland and Williams.

(5) Between Rumsey and Clear Lake Oaks

	Mileage	Fares	Elapsed Time
Present (1)	118	\$3.75 (3)	7 hrs. 24 min.
Proposed (2)	38	1.15 (3)	1 " 11 "
DIFFERENCES	80	2.60	6 hrs. 14 min.

(1) Via Woodland-Rumsey Auto Stage to Woodland, thence via Pacific Greyhound Lines to Williams, thence via applicant's present service to Clear Lake Oaks.

(2) Via applicant's proposed service from Rumsey to Wilbur Springs Junction, thence via applicant's present service to Clear Lake Oaks.

(3) Plus tax.

A One-way fare of 45 cents and round trip of 85 cents is proposed between Rumsey and Wilbur Springs Junction, a distance of 15 miles. Express rates are set up in the application. Time schedules show that there will be three services each way daily between Woodland and Rumsey, one of which will be operated through to Ukiah. Applicant states that he has sufficient equipment to operate the extra schedules.

Application No. 27523 is a request by George W. Kister, doing business as Pioneer Auto Stage Lines to sell, and P. B. Hackley, Jr., to buy a passenger and freight operative right, together with equipment, between Colusa and Williams, a distance of 10 miles. The consideration to be paid is \$2,500 of which \$1,100 is said to represent the value of equipment and \$1,400 the value of the operative right. The acquisition of the right would enable the purchaser to provide direct transportation service between Colusa, on the one hand, and points on his Booneville-Williams route, on the other hand. Single one-way fare will be reduced from 75 cents to 30 cents. Applicant Hackley proposes to increase the number of round trip schedules from two to six. Connections will be made with Pacific Greyhound Lines at Colusa for Yuba City, Marysville, Sacramento and other points, and at Williams for points north and south, and with Southern Pacific at Williams for points north and south. Equipment used on the Booneville-Williams line will operate into Colusa, thus eliminating a change of buses at Williams.

Application No. 27524 is filed by B. J. Greer and P. B. Hackley, Jr., the former to sell and the latter to acquire an operative right for the transportation of passengers and express between Woodland and Rumsey. The consideration is \$850. No equipment is involved in the transaction.

(6) The equipment consists of one 7 passenger Chrysler automobile one 7 passenger Packard and one 4 wheeled trailer.

This is another extension of applicant Hackley's operation between Ukiah and Wilbur Springs Junction, and would provide transportation between Rumsey, Woodland, and intermediate points, on the one hand, and Ukiah, and other points in Lake and Mendocino Counties, on the other hand; and would coordinate with the service between Rumsey and Wilbur Springs Junction. The proposed fare between Rumsey and Woodland is \$1.10 as against the present fare of \$1.25. Applicant proposes to operate three round trips daily instead of one, with connections at Woodland on north and south-bound Greyhound schedules.

The routes involved in these three applications would be extensions of applicant Hackley's present operations from Fort Bragg and Ukiah, via Lake County points, to the Sacramento Valley. They would enable him to sell through tickets and operate through service between Ukiah and Woodland and between Boonville and Colusa, coordinating said through service with that of Pacific Greyhound Lines at Ukiah, Woodland and Colusa. His present equipment is sufficient to take care of the added routes.

Summation

The applications are supported by the authorized endorsements of various Chambers of Commerce and other civic bodies within the area proposed to be served, and by the oral testimony of the President and Secretary of the Colusa Chamber of Commerce. The record discloses no opposition to the granting of the applications. We are of the opinion that the applications should be granted and it will be so ordered. In making this order, the Commission is not making a finding of the value of the rights and properties herein authorized to be transferred.

P. B. Hackley, Jr., 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

A public hearing having been held in the above-entitled matter, and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to P. B. Hackley, Jr., 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 and shipments of express weighing not to exceed 100 pounds, on passenger carrying vehicles between Wilbur Springs Junction and Rumsey, and intermediate points.

(2) That George W. Kister is hereby authorized to sell and transfer to P. B. Hackley, Jr., and P. B. Hackley, Jr., is authorized to acquire, on or before December 1, 1946, and thereafter to operate thereunder, the operative right between Colusa and Williams, referred to in the foregoing opinion.

(3) That B. J. Greer is hereby authorized to sell and transfer to P. B. Hackley, Jr., and P. B. Hackley, Jr., is authorized to acquire, on or before December 1, 1946, and thereafter to operate thereunder, the operative right between Woodland and Rumsey created by Decision No. 10451, dated May 12, 1922, on

Application No. 7557, and referred to in the foregoing opinion, together with the physical property referred to in the Agreement of Sale.

(4) 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 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 1 day's notice to the Commission and the public.

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

Dated at Los Angeles, California, this 15
day of October, 1946.

Harold P. Kule

Justus F. Coe

Francis W. Coe

R. Z. Johnson

COMMISSIONERS