

Decision No. 40180

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 HARRY E. MAHAFFEY, an individual,)
 doing business under the name of)
 LODI TRANSIT SYSTEM for a certificate)
 of public convenience and necessity)
 to operate passenger service as a)
 common carrier of passengers (1))
 in the city of Lodi and its environs;)
 between (2) the city of Lodi and)
 Acampo, and (3) between the city of)
 Lodi and Victor.)

ORIGINAL

Application No. 28254

O P I N I O N

Harry E. Mahaffey doing business as Lodi Transit System requests the Commission to issue to him a certificate authorizing the transportation of passengers within the city of Lodi and between Lodi, Acampo and Victor and intermediate points. Applicant states that he is presently engaged in rendering a motor bus service as a common carrier of passengers solely within the corporate limits of the city of Lodi pursuant to authority granted by the city. The Commission is requested to certificate applicant's present operation as well as the proposed extensions.

Applicant presently provides service daily except Sundays and holidays within Lodi between approximately 7 a.m. and 7 p.m. on a 30-minute headway. On Sundays and holidays this service is operated on an hourly headway between approximately 9:15 a.m. and 7 p.m. No change is proposed in this service. Service between Acampo and Victor and intermediate points would be operated daily on an hourly headway from 7 a.m. to 1 p.m. then at 4:20 p.m. and 5:20 p.m. Applicant has two 1946 and one 1947 year model Ford Transit Type buses with a seating capacity of 27 passengers each

which would be used in the proposed operation. The local fare within Lodi is 10 cents cash or three tokens for 25 cents. School tickets will be sold to children of school age, including high school students, entitling the purchaser to 40 rides for \$3. The proposed fares between Victor and Acampo and other points are shown in the margin.
(1)

As justification for the authority sought, the application states in substance that applicant has had many requests from individuals, merchants and industries to establish the proposed service; that many industries situated in the Victor, Acampo and Woodbridge districts have requested the service for their employees, many of whom reside in Lodi or at points along the proposed routes of operation; that during the packing season, packers and shippers are required to furnish transportation for their employees residing in areas adjacent to the proposed operations; that Lodi is the principal shopping and amusement center of the points involved and establishment of the proposed service would be a convenience for those desiring to travel to and from Lodi.

Gibson Lines and Pacific Greyhound Lines, the only other passenger stage lines operating in the area, have waived protest to the application. The City Clerk of Lodi by letter has informed the Commission that the Lodi City Council has received a copy of

(1) The proposed one-way passenger fares in cents are as follows:

AND	BETWEEN	VICTOR	EASTSIDE WINERY	LODI	WOODBIDGE
Eastside Winery		10¢			
Lodi		15¢	10¢	10¢	
Woodbridge		25¢	20¢	10¢	
Acampo		30¢	25¢	15¢	10¢

the application and does not desire to interpose any objection thereto.

Evidence of record shows that the applicant is qualified both financially and by experience to establish the proposed operation. After full consideration of all the evidence of record it is our conclusion and we find that public convenience and necessity require the establishment of the service proposed by applicant. No public hearing is necessary.

Harry E. Mahaffey 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.

ORDER

An application therefor having been filed 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 Harry E. Mahaffey authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers between Acampo, Lodi and Victor and intermediate points.

(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. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant 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, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

ROUTES WITHIN LODI

West Side Route

Commencing at the intersection of Sacramento and Pine Streets (Lodi), thence along Sacramento Street, Louie Avenue, North California Street, Forrest Avenue, Church Street, West Elm Street, North School, West Pine Street, Crescent Avenue, Oak Street, Sunset Drive, Lodi Avenue (Sargent Road), South Hutchins Street, Oak Street, School Street, Lodi Avenue, Church Street, Sycamore Street, Pleasant Avenue, Park Street, Church Street, West Vine Street, School Street, West Tokay Street, Church Street, Walnut Street, School Street, Pine Street to Sacramento Street.

East Side Route

Commencing at the intersection of Pine and School Streets (Lodi), thence on Pine Street, Central Avenue, Tokay Street, Stockton Street, East Vine Street, South Central Avenue, Poplar Street, South Garfield Street, Concord, South Central Avenue, Tokay Street, South Garfield Street, Lodi Avenue, South School Street, Locust Street, North Garfield Street, Railroad Avenue, Cherokee Lane (U. S. Highway No. 99), South Pine Street, Sacramento Street, Oak Street, South School Street, Pine Street to Sacramento Street.

Routes between Victor and Acampo

Commencing at the intersection of Pine and North Sacramento Streets (Lodi), thence on Pine Street, Cherokee Lane (U. S. Highway No. 99), Victor Road (State Highway No. 12) to Victor.

Commencing at the intersection of Pine and North Sacramento Streets (Lodi), thence along North Sacramento Street, Lockeford Street, Turner Road, Woodbridge Road, Acampo Road to Acampo.

Applicant may turn his 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 Francisco, California, this 22nd day of April, 1947.

Harold P. Hills

James H. Powell

R. E. [unclear]

[unclear]
COMMISSIONERS