

Decision No. 40923

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
RICHARD K. SEARS, for certificate of)	
public convenience and necessity to)	
operate a passenger, baggage, and)	Application No. 28741
package buyer service between Swartout,)	
Wrightwood and San Bernardino,)	
California.)	

O P I N I O N

Richard K. Sears, an individual, requests authority to establish and operate a passenger stage service for the transportation of passengers and their baggage⁽¹⁾, between Swartout, Wrightwood, and San Bernardino, and intermediate points, with a restriction against performing any service between San Bernardino and the intersection of U. S. Highway 66 and State Highway 138, now known as the "Y" Station.

The proposed service is to be on schedule, having three runs daily in each direction.

Applicant alleges that public convenience and necessity require the establishment of this service because the area to be served is becoming increasingly popular as a mountain recreational area and, further, because various building projects are in progress in the area, including a 300-room hotel at Swartout.

(1) The original application requested authority to "operate an automotive service for the transportation of passengers, baggage and parcels . . ." By an amendment the application was limited to passengers and baggage.

The equipment applicant proposes to use will be a 1941 or 1942 Chevrolet, 8-passenger station wagon. A statement of proposed fares has been filed with the application.

The Pacific Greyhound Lines and The Atchison, Topeka and Santa Fe Railway Company have expressed no opposition to the application and also the City of San Bernardino has indicated that that city has no objections.

Applicant has submitted a financial statement which indicates that he is financially able to conduct the proposed operations.

Upon full consideration of this matter we are of the opinion and find that the establishment and operation of a passenger stage service, as requested herein, is in the public interest and, therefore, the application will be granted. A public hearing is not necessary.

Richard K. Sears 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

Application as above entitled having been filed, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Richard K. Scars, an individual, authorizing the establishment and operation of a service as a passenger stage corporation as that term is defined in Section 24 of the Public Utilities Act, for the transportation of passengers and baggage between Swartout, Wrightwood, and San Bernardino, and intermediate points, subject to the following restriction:

Applicant shall not pick up or deliver passengers or baggage between San Bernardino and the intersection of U. S. Highway 66 and State Highway 138, designated as "Y" Station, or points intermediate thereto.

(2) That in providing service pursuant to the certificate herein granted, Richard K. Scars 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 thirty (30) days from the effective date hereof.
- (b) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than one (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, Richard K. Scars shall conduct said passenger stage operation over and along the following described route:

Commencing at a point on 3rd Street between E and F Streets in San Bernardino, thence via E Street, Highland Avenue, U. S. 66, State Highway 138 and Wrightwood-Swartout Cutoff; return via the same route.

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

Dated at San Francisco, California, this 12th day of November, 1947.

Harold P. Hild
Justus P. Gaerner
Frank Russell
R. E. Dunning

COMMISSIONERS