

ORIGINAL

Decision No. 42167

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HENRY J. COLBERG, an individual doing)
business as COLBERG MOTOR BOATS, for)
a certificate to transport passengers)
and baggage by motor vehicles in con-)
junction with its vessel service between)
Stockton and Venice Island Ferry and)
intermediate points, and between)
Stockton and Bacon Island Ferry, and)
intermediate points, and to consolidate)
said rights with applicant's existing)
vessel rights.)

Application No. 29009

FRANCIS X. VIEIRA, for applicant.
REGINALD L. VAUGHAN and ROBERT F. GOCKE, for Gibson
Lines, protestant.

O P I N I O N

This is an application of Henry J. Colberg, an individual, doing business as Colberg Motor Boats, for a certificate of public convenience and necessity to transport passengers and baggage by motor vehicle in conjunction with its vessel service between Stockton and Venice Island Ferry and intermediate points, and between Stockton and Bacon Island Ferry and intermediate points, and to consolidate said rights with applicant's existing vessel rights.
(1)

A public hearing was held before Examiner Gannon at Stockton on August 31, 1948, and the matter was duly submitted. Gibson Lines entered an appearance as protestant. Pacific Greyhound Lines waived protest.

(1)The instant application was filed January 15, 1948. Subsequently, the Commission, by order in Decision No. 41390, dated March 30, 1948, authorized Henry J. Colberg to sell and transfer the operative rights and properties referred to in said decision, to Colberg Transportation Co., a newly formed corporation. The certificate granted in this proceeding will therefore be issued in the name of Colberg Transportation Co.

Carried

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At the outset of the hearing it was stipulated between the parties that applicant would render no local service on the Lower Sacramento - Thornton Road between Stockton and the junction of King Island Road and Thornton Road, and that no passengers or property will be transported under any operating authority which the Commission may grant in this proceeding between Stockton and Terminous via a coordinated vessel-bus service. Upon the consummation of this stipulation Gibson Lines withdrew its protest.

Applicant is engaged in the operation of vessels for the transportation of passengers and property between Stockton and certain Delta inland points tributary to the San Joaquin River.⁽²⁾ In the instant application it desires to operate buses as an alternative means of transportation supplementary to the vessel operations.

Applicant proposes to coordinate its bus-to-boat and boat-to-bus operations in such manner as to effect substantial savings in time and fares over the existing boat schedules. A comparison of proposed time schedules, for example, shows that passengers going from Stockton to Venice Island Ferry, a distance of 32 miles, will save five hours in traveling time between those points. Traffic between Stockton and other Delta points by the proposed routes would have the benefit of an average saving in time of two hours and fifteen minutes.

(2) These operative rights are more fully set forth in Decision No. 28283, dated October 14, 1935, and Decision No. 29778, dated May 24, 1937. By virtue of this decision applicant was authorized to serve, among other points, Stockton, McDonald Island, Venice Island, Bacon Island and Rindge Tract and all of said points have been, and are now being, served.

The Delta area herein involved is a rich agricultural district formed of rivers, sloughs, and channels, held together in the past by river transportation. All the islands are privately owned and vary in size from 1,000 to 6,500 acres each. Half of the farm-laborers live on the islands where they are housed in camps of from 50 to 200 persons in each camp. Due to the necessarily heavy turnover in labor there is need for more adequate transportation. Other than that presently supplied by the applicant's vessels there is no authorized public transportation service. Transient and semi-skilled workers travel back and forth either in their own cars or in taxicabs. School children are transported by charter bus service, operated by applicant. The testimony of applicant was to the effect that his buses could be operated at half the expense of boats. He estimated that the proposed coordinated bus-vessel service will result in an annual profit of \$2,200. Applicant owns two vessels of a capacity of 50 passengers each, one speed boat, two buses and a station wagon, all in operating condition, and sufficient to handle such traffic as he anticipates, including school children.

Upon due consideration of this matter we are of the opinion that the application should be granted and the order will so provide.

Colberg Transportation Co. 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 made, a public hearing having been held, and the Commission being duly advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Colberg Transportation Co., 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 and baggage between Stockton and Venice Island Ferry, and intermediate points, and between Stockton and Bacon Island Ferry, and intermediate points, as an auxiliary and supplementary bus route and enlargement of applicant's existing vessel service and consolidated therewith, subject to the following restrictions:

- (a) No local service shall be given by applicant on the Lower Sacramento - Thornton Road between Stockton, on the one hand, and the junction of King Island Road and Thornton Road, on the other hand.
- (b) No local service shall be given by applicant between Stockton and Holt, including Holt, and between Holt and the junction of California State Highway No. 4 and Bacon Island Road, a distance of approximately one-half mile on such road.
- (c) No passengers, baggage or express shall be transported by applicant under any operating authority which the Commission may grant in this application between Stockton and Terminous via a coordinated vessel-bus service, and such traffic between such points shall be handled by applicant exclusively by vessel.

(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:

Between Stockton and Venice Island Ferry and intermediate points, and return, over the following route:

Lower Sacramento Road from Stockton to junction of Lower Sacramento Road and Thornton Road continuing on said road to the junction of Thornton Road and Atherton Road and proceeding on Atherton Road to Rindge Ferry; crossing said ferry and making a loop of Rindge Island on Rindge Island Road, thereafter returning on Atherton Road to Venice Island Ferry.

Between Stockton and McDonald Island Ferry and Bacon Island Ferry and intermediate points and return, over the following route:

California State Highway No. 4 from Stockton to Holt, thence over McDonald Island Road to McDonald Island Ferry; returning by McDonald Island Ferry Road to Holt, thence approximately one-half mile on California State Highway No. 4 to the junction of Bacon Island Road and continuing on said road to Bacon Island Ferry. Continuing on Bacon Island Road to Mandeville Island on the County Road thereon.

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

Dated at San Francisco, California, this 26th day of October, 1948.

R. F. Indrany
Justus F. Caswell
Frank H. Luce
Harold H. Kala
Kenneth P. Potter
COMMISSIONERS