

ORIGINAL

Decision No. 42733

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EMIL H. MILLER for a certificate of)
public convenience and necessity to) Application No. 30139
operate a passenger bus line between)
Hayward, Mohrland and Russell City.)

O P I N I O N

In the above entitled application, Emil H. Miller requests a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service between Hayward, Mohrland, Russell City and intermediate points. According to the application, Russell City is a residential area situated approximately three and one-half miles westerly of Hayward. The community of Mohrland is situated intermediate to Hayward and Russell City but southerly of the main route between those points. The community of Mohrland would be served by a detour from the direct route. Incoming trips would be operated over the direct route between Russell City and Hayward and the outbound trips would be detoured via Mohrland. The round trip mileage would be approximately ten miles.

Initially, applicant would operate five round trips daily except Sundays. A 1946 model transit type Ford bus seating 21 passengers would be used in the operation. The proposed one-way cash fare would be 15 cents. Applicant asserts that he has a net worth of approximately \$35,000, which includes certain real estate valued at \$28,000 and \$4,500 in cash.

As justification for the authority sought, applicant alleges that the communities of Russell City and Mohrland have

no public transportation; that those communities have a population of approximately 4,500 based upon a survey made by him; that new subdivisions in the area are now in the process of development; that visitors to and employees of hospitals along the route are without and have a need for public transportation and that all persons living in the communities of Russell City and Mohrland have a need for transportation to and from the City of Hayward.

Applicant's proposed route within the City of Hayward for a distance of about four blocks parallels one of the lines of the Key System Transit Lines at a distance of two blocks. This carrier has waived protest to the granting of the application. No other common carrier service is provided between any of the points involved.

After full consideration of applicant's request it is our conclusion and we find that public convenience and necessity require the establishment and operation of the service as proposed. No public hearing appears to be necessary and the application will be granted.

Emil H. Miller 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 therefor having been filed, it having been found that public convenience and necessity so require, and good cause appearing,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Emil H. Miller 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 Hayward, Mohrland, Russell City 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:

Beginning in the City of Hayward at the intersection of B Street and Commercial Street, thence along Commercial Street, C Street, Myrtle Street, Meek Street, Myrtle Street, Winton Avenue and Russell City Road.

Beginning at the intersection of Russell City Road and Saklan Road, thence along Saklan Road, North Lane, Eden Avenue, Denton Street, Mohr Drive, Depot Road and Clawiter Road to its junction with Russell City Road.

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 after the date hereof.

Dated at San Francisco, California, this 19th day of April, 1949.

R. B. Zimmerman
Julius J. Casper
James H. Powell
Harold P. Hills
Samuel D. Potter