

Decision No. 43094

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
DAVID BELLUCCI doing business as )  
SAN RAFAEL CITY BUS LINES for a )  
certificate of public convenience )  
and necessity to operate common )  
carrier passenger service in the )  
environs of San Rafael and Santa )  
Venetia, California. )

Application No. 30277

- David Bellucci, in propria persona.
- S. C. Lowry, Secretary-Manager of San Rafael Chamber of Commerce, in support of the application.
- M. W. Robbins, for Santa Venetia Improvement Association, in support of the application.
- R. A. Poege, City Manager of San Rafael, in support of the application.

O P I N I O N

Applicant herein seeks a certificate of public convenience and necessity authorizing it to operate as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act within the City of San Rafael, Marin County, and between said city and Santa Venetia. At present applicant furnishes a passenger service by bus which wholly operates within the city limits of San Rafael.

A public hearing was held at San Rafael on June 24, 1949 before Examiner R. K. Hunter at which time the application was submitted. No one appeared in opposition to the granting of this application. The Pacific Greyhound Lines which operates along a small portion of the proposed route and Charles E. Moser, doing business as the Marin Transit Lines, who presently holds a certificate authorizing operation of a passenger service by motor vehicle

within San Rafael and between that city and Santa Venetia, both filed letters advising that they did not wish to protest the granting of this application.

Applicant proposes to establish two routes. Route "A" which provides approximate hourly service between downtown San Rafael and Sun Valley, a residential district of this city from 7:00 A.M. until 6:20 P.M. Route "B" will provide ten round trips between downtown San Rafael and Dominican Convent, six of which trips will extend to Santa Venetia, between 7:08 and 6:05 P.M.

The adult fares for the proposed service range from 10¢ to 20¢ depending on distance. Children under six, will be carried free when accompanied by parents, otherwise for the minimum fare of 10¢. Children from six to fifteen years of age, half fare, minimum 10 cents.

From the evidence introduced at the hearing it appears that the applicant possesses the requisite experience, equipment, and financial ability to adequately perform the proposed service.

An authorized representative of the San Rafael Chamber of Commerce testified in substance that the applicant was presently rendering an adequate and much needed service within the City of San Rafael and that service to and from Santa Venetia was urgently needed.

The City Manager of San Rafael, duly authorized by the City Council, appeared in support of the proposed service and stated that it was urgently needed and requested early favorable action on this application.

The Chairman of the Board of the Santa Venetia Improvement Association, representing such organization, testified, as

did several residents of Santa Venetia in support of the application. The gist of their testimony can be briefly summarized. It showed that the service of the present certificated carrier was inadequate, unreliable, poor in quality, not dependable in maintaining schedules even to the extent of failing to perform service for several days at a time and that the driver or drivers were discourteous to passengers. The evidence amply supports a finding, which is hereby made, that the Marin Transit Lines is rendering an unsatisfactory service.

This group of witnesses also testified that service between San Rafael and Santa Venetia was urgently needed, that they would use it if authorized, and that a good service would eventually regain the patronage necessary for its success. They also strongly urged the immediate granting of a certificate to the applicant because there is now practically no usable service available and some means of transportation is vitally and presently needed. This situation would seem to justify the making of any certificate granted immediately effective.

From the evidence of record we conclude that public convenience and necessity require that the service proposed by applicant herein be authorized.

David Bellucci 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

Public hearing having been held upon the above entitled application, the matter submitted and the evidence thoroughly considered, and basing this order upon the conclusions and findings set forth in the foregoing opinion,

IT IS ORDERED:

(1) That David Bellucci is hereby granted a certificate of public convenience and necessity authorizing the establishment and operation of service as a passenger stage corporation as defined in Section 2-1/4 of the Public Utilities Act, for the transportation of passengers within the City of San Rafael, and between San Rafael, Santa Venetia, and intermediate points, all in Marin County. ✓

(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 five days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Orders Nos. 79 and 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 it by further order, applicant shall conduct the operations herein authorized over and along the following routes:

Route "A" - Sun Valley

Commencing at Third Street and Tamalpais Avenue, thence along Third Street, E. Street, Fourth Street, H. Street, Fifth Avenue, California Street, Solano Street, K. Street, Center Street, and H. Street to its intersection with Fifth Avenue.

Route "B" - Dominican - Santa Venetia

Commencing at Third Street and Tamalpais Avenue, thence along Tamalpais Avenue, Fourth Street, Grand Avenue, Jewell Street, Palm Avenue, Magnolia Avenue, Acacia Avenue, Grand Avenue, Linden Lane, Lincoln Avenue, U. S. Highway 101, San Pedro Road, Mabry Way, Geneva Way and Meadow Avenue to its intersection with San Pedro Road; also from the intersection of Grand Avenue and Mission, thence along Mission Street, High Street and Third Street to its intersection with Tamalpais Avenue.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of July, 1949.

R. Z. Johnson

Joseph P. Powell

Harold P. Hill

Respectfully Patten  
Commissioners