

ORIGINAL

Decision No. 43819

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ROBERT MAHER and HORACE SIMMONS)
for certificate of public convenience)
and necessity to operate bus service)
between Vacaville, California, and)
Fairfield, California, via Fairfield)
Suisun Air Force Base:)

Application No. 30880

O P I N I O N

Robert Maher and Horace Simmons, by the instant applica-
tion, as amended, seek a certificate of public convenience and
necessity authorizing them to transport passengers from (a)
Vacaville (Solano County) to Fairfield-Suisun Army Air Force Base,
and from (b) Fairfield (Solano County) to Fairfield-Suisun Air Force
Base. Permission to serve intermediate points and to operate between
Vacaville and Fairfield is not requested.

Applicants propose the establishment of a one-way fare
of 25¢ and to sell a book containing 25 tickets for \$5.00.
Children under 5 years of age, when accompanied by adult passengers,
and not occupying a seat to the exclusion of other passengers will
be transported without charge.

17 round trips are scheduled daily beginning at 6:30 a.m.
and ending at 11:30 p.m. and 18 round trips beginning at 12:40 a.m.
and ending at 11:45 p.m., at approximate hourly intervals, between
Vacaville and the Air Base and Fairfield and the Air Base, respec-
tively. Four 29-passenger 1945 International Model K-5 buses,
each having a steel interior, power brakes, safety glass throughout
and a 90.5 horsepower motor, are to be used.

A financial statement filed herein shows applicants'

assets to be \$7250, liabilities \$1800, net worth \$5450 of which \$2500 is on deposit with Bank of America National Trust and Savings Association at Vacaville.

Applicants allege that there is no service between Vacaville and the Air Base as is encompassed herein; that they are informed Pacific Greyhound Lines, will, in the event this application is granted, request the Commission to authorize it to abandon its service to the Fairfield-Suisun Air Force Base; that in such event applicants' and Pacific Greyhound Lines services will be reasonably coordinated at Fairfield and Vacaville; that the proposed operation is necessary for the convenience of the military and civilian personnel employed at the Air Base ~~and~~ who live in the surrounding territories. R 2 2

Pacific Greyhound Lines has informed the Commission in writing that it will not protest the granting of the application.

The Commission, upon full consideration of all the facts and circumstances, is of the opinion and hereby finds that public convenience and necessity require that this application be granted. A public hearing is not necessary.

Robert Maher and Horace Simmons, are 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 having been filed, the Commission being fully advised and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Robert Maher and Horace Simmons authorizing them to establish and operate a service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between
(a) Vacaville and the Fairfield-Suisun Air Force Base and between
(b) Fairfield and the Fairfield-Suisun Air Force Base.

(2) That applicants shall not provide any service between the cities of Vacaville and Fairfield.

(3) That in providing service pursuant to the certificate herein granted, applicants 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:

- (a) Beginning at the intersection of Main and Bernard Streets, in the City of Vacaville, thence via Davis Road, Peabody Road, Walters Road to Fairfield-Suisun Army Air Force Base.
- (b) Beginning at Fairfield-Suisun Army Air Force Base thence via Walters Road, Hance Road, Old U. S. 40 to Pacific Greyhound Lines Depot, at the intersection of Texas and Jefferson Streets in the City of Fairfield. As an alternate to be used in connection with and as a part of the route last above described; daily between the hours of 6:30 a.m. to 8 a.m. and 4 p.m. to 6 p.m.; beginning at Pacific Greyhound Lines Depot, at the intersection of Texas and Jefferson Streets, in the City of Fairfield, thence south to State Highway 12, thence via State Highway 12 to South Gate of Fairfield-Suisun Army Air Force Base.

Applicants may turn their motor vehicles at termini either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 14th day of February, 1950.

R. F. Anderson
Justice F. Peacock
Robert F. Powell
Harold P. Huls
Francis H. Pottier
Commissioners