

ORIGINAL

Decision No. 43892

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SYDE JOSEPH KALIL and WILLIAM E. MARTIN, )  
 doing business under the fictitious )  
 firm name and style of 21 TRANSPORT )  
 COMPANY for certificate of public )  
 convenience and necessity to operate )  
 a bus service as common carrier between )  
 Benicia, California, and Fairfield- )  
 Suisun Army Air Base. )

Application No. 30923

O P I N I O N

Syde Joseph Kalil and William E. Martin, doing business under the fictitious firm name and style of 21 Transport Company, by the instant application, as amended, seek a certificate of public convenience and necessity authorizing them to transport passengers between Benicia and Fairfield-Suisun Army Air Base, and intermediate points.

(1) Applicants propose to establish fares as set forth in the table below. A weekly commuter's ticket valid for 5 round trips between Benicia and the Air Base is to be sold for \$4.35 and will be honored only during the week of issue. Children not occupying a seat will be transported without charge.

(1)		PASSENGER FARES IN CENTS				
BETWEEN		Air			Goodyear	
AND		Base	Benicia	Cordelia	Station	Suisun
Benicia	OW	.65	-	.30	.15	.40
	RT	1.10				.70
Goodyear Sta.	OW		.15	.15	-	.30
	RT					
Cordelia	OW	.40	.30	-	.15	.15
	RT					
Suisun	OW	.25	.40	.15	.30	-
	RT		.70			
Air Base	OW		.65	.40	.55	.25
	RT		1.10			

Service will be furnished only in the morning and evening by one daily round trip leaving Benicia at 6:45 a.m. arriving at the Air Base at 7:45 a.m. departing therefrom at 5:15 p.m. and returning to Benicia at 6:05 p.m. Additional buses will be provided, commensurate with the number of passengers to be served. Four Dodge 29-passenger buses are to be used.

A financial statement filed herein shows applicants' liabilities none, assets \$33,500 of which \$1,000 is classified as cash on hand and in banks.

Applicants allege that approximately 300 families are now residing in the Benicia area; that each family has one or more members thereof who must travel to and from the Fairfield-Suisun Army Air Base; that the rate of increase in the general Benicia area is approximately 30 families per month; that presently the only public transportation to the Air Base requires travelling to Vallejo, there transferring for Fairfield, at which point passengers transfer to Government vehicles, when available; that the regular schedule of the Southern Pacific Railroad Company does not permit Air Base personnel to arrive on time and further the railroad station is in the City of Suisun, some 2½ miles from the Air Base.

Southern Pacific Railroad Company and Pacific Greyhound Lines has each 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.

Syde Joseph Kalil and William E. Martin, 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 informed and basing this order upon the conclusions and findings contained in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Syde Joseph Kalil and William E. Martin authorizing them to establish and operate a 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 Benicia and Fairfield-Suisun Army Air Base, and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants 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, applicants 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 it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Beginning at the intersection of 1st and H Streets in the City of Benicia, thence via H Street, 5th Street, Hillcrest Highlands (Federal Housing Area) to State Highway No. 21, thence via State Highway No. 21 to Goodyear (Bahia Station), thence via County Road No. 76 to Cordelia Station, Main and Solano Streets in City of Suisun, thence via Main Street to State Highway No. 12, thence via State Highway No. 12 to Fairfield-Suisun Army Air 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 7<sup>th</sup> day of March, 1950.

R. J. Anderson  
Justice F. Calver  
James H. Howell

Commissioner Harold P. Ellis, being necessarily absent, did not participate in the disposition of this proceeding.

Frederick P. Potter  
COMMISSIONERS