

ORIGINAL

Decision No. 15838

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
LINCOLN PROPERTIES, INC., a corporation,)	
for a certificate of public convenience)	
and necessity to operate a passenger)	Application No. 32259
bus line (LINCOLN BUS LINE), between)	
the city of Stockton, Lincoln Village)	
and Colonial Heights.)	

O P I N I O N

In this proceeding, Lincoln Properties, Inc., a California corporation, doing business as Lincoln Bus Line, requests a certificate of public convenience and necessity authorizing it to establish a passenger stage service between Stockton, Swain Oaks Manor, Lincoln Village, Oakridge, Colonial Heights, Eight Mile Road and intermediate points, subject to the provision that no local service would be performed within the corporate boundaries of the city of Stockton.

It is stated that applicant is organized for the purpose of, and is presently engaged in the business of subdividing and developing a large residential tract, known as Lincoln Village, in county territory northerly of the city of Stockton boundary, immediately adjacent to and west of Pacific Avenue and about four and one-half miles north of the principal business section of Stockton. It is further asserted that in the same general vicinity, both to the north and south of Lincoln Village, there are several other residential tracts, located along Pacific Avenue, including Brookside Tract, Swain Oaks Manor, Rosemar Manor, Oakridge, El Camino and Colonial Heights, all of which, including Lincoln Village, are to the north of and beyond the city limits of

Stockton with the predominant development being westerly of Pacific Avenue.

It is asserted that during the past several years, there have been many new homes built in Lincoln Village and the other tracts referred to; that a large number of additional new homes are under construction, and that plans for others are being prepared to provide further expansion in Lincoln Village. It is asserted that there are approximately 1,155 homes in these tracts that are completed and occupied, and about 429 under construction. The total population is estimated at 4,027 which is expected to increase to at least 5,000 within the year. A new grade school has recently been constructed adjacent to Pacific Avenue at the northerly boundary of Lincoln Village. Applicant asserts that it now has under construction the first stage of a large and comprehensive business center in the Lincoln Village tract at Pacific Avenue.

In further justification for the authority sought, applicant states that no local public transportation service is available to the population of the residential area involved, either between the tracts or between such tracts, on the one hand, and the city of Stockton, on the other hand. This, it is asserted, results in hardship to the public, particularly in view of the fact that the majority of homes are owned by persons in the medium earning class who usually make substantial use of public transportation.

Applicant states that from time to time there have been numerous requests by the residents of these tracts for a local service to provide transportation for employment and shopping purposes between the residential areas involved and the central business district of Stockton. Applicant alleges that, in its

opinion, there is a need for the service proposed and in the interest of the residents of the area has, in the absence of any other proposal, elected to establish the proposed service for the purpose of providing ready access between points within the residential area involved and between that area and the principal business section of Stockton.

The proposed one way fare for adults is fifteen cents. Children over five years and under twelve years of age would be charged ten cents. Initially applicant would operate six round trip schedules daily except Sundays and holidays between Colonial Heights and Stockton between 7:00 a.m. and 7:06 p.m. The first two morning schedules would operate southbound over a regular route through Oakridge, Lincoln Village and Swain Oaks Manor and return over an alternate route along Pacific Avenue and Thornton Road. The next two schedules would operate in both directions over the regular route. The last two schedules would operate southbound over the alternate route and return over the regular route. In addition, a local shopper service would be operated over the "north shopper route" between Lincoln shopping center and residential areas to the north of Colonial Heights, three schedules being provided therefor, one each in the morning, midday and afternoon.

As a part of its regular route applicant proposes to operate between the intersection of Vicksburg Place and Douglas Avenue and the intersection of Longview Avenue and Pacific Avenue over and along Douglas Avenue, Gettysburg Place, Porter Avenue and Pacific Avenue, and also along Pershing Avenue, Swain Road and Mitchler Street in Swain Oaks Manor. Applicant plans to abandon operations over the last two described segments if and when

Harrisburg Place is cut through between Douglas Avenue and Swain Oaks Avenue, at which time it would then establish service over what is designated as a "future regular route" along Douglas Avenue, Harrisburg Place and Longview Avenue. The routes which will be authorized will designate applicant's proposed regular routes, without reference to its so-called "future regular route". If applicant determines, in the future, that the public can be better served by operating over the proposed "future regular route", if and when Harrisburg Place is cut through, it may then file a supplemental application requesting authority to reroute the service at that time.

Applicant plans to acquire two Ford transit-type passenger stages equipped with fare boxes and having a seating capacity of 27 passengers. Applicant's income statement for the year ending December 31, 1950, shows a surplus in excess of \$25,000, after provisions for Federal income taxes.

The city manager of Stockton and the Chamber of Commerce of Stockton have informed the Commission that they are in accord with applicant's proposal. Other common carriers of passengers in the area have waived protest to the granting of the application.

After full consideration of applicant's request, the Commission hereby finds that public convenience and necessity require the establishment and operation of the service proposed. Accordingly, the application will be granted to the extent indicated in the following order. This is not a matter requiring a public hearing.

Lincoln Properties, Inc. 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, the Commission being fully informed therein, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Lincoln Properties, Inc., authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers between Eight Mile Road, Colonial Heights, El Camino, Oakridge Tract, Lincoln Village, Lincoln shopping center, Swain Oaks Manor, Stockton and intermediate points subject to the condition that no passengers may be transported having both point of origin and point of destination within the corporate boundaries of the city of Stockton.

(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 after the effective date hereof.
- b. Within 60 days after 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 Orders Nos. 79 and 98 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 at the intersection of Paloma Avenue and Pershing Avenue in Colonial Heights, thence along Pershing Avenue, Rivara Road, Caran Avenue, Willora Road, Pacific Avenue, Benjamin Holt Drive, Vicksburg Place, Douglas Avenue, Gettysburg Place, Porter Avenue, Pacific Avenue, Longview Avenue, to the intersection of Pershing Avenue.

Beginning at the intersection of Paloma Avenue and Pershing Avenue, thence along Paloma Avenue, Thornton Road, Pacific Avenue, Castle Street, North El Dorado Street, West Willow Street, North Hunter Street, to the intersection of East Webber Avenue.

Beginning at the intersection of Pacific Avenue and Thornton Road, thence along Thornton Road, Telegraph Road, Eight Mile Road and Sacramento Road to the latter's intersection with Pacific Avenue.

Applicant may turn its 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 twenty (20) days after the date hereof.

Dated at San Francisco, California, this 19th day of June, 1951.

R. D. [Signature]
[Signature]
[Signature]

 COMMISSIONERS