

Decision No. 47107**ORIGINAL**

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

In the Matter of the Application of )  
 CHARLES E. MOSER, doing business as )  
 MARIN TRANSIT LINES, to sell and )  
 JAMES F. HOMER to purchase an auto- ) Application No. 33353  
 motive passenger line operated between )  
 Sausalito and Marin City, California )

O P I N I O N

In this proceeding Charles E. Moser, doing business as Marin Transit Lines, alleges that he is engaged in the operation of an automotive transportation line for the transportation of passengers between Sausalito and Marin City under a certificate heretofore issued to him in Decision No. 38825, in Application No. 27003, as amended by Decision No. 44155. Applicant Moser requests the Commission to authorize him to sell and transfer that operative right to James F. Homer and the latter requests authority to acquire such operative right and to continue such operation thereunder except that request is made that the routes of operation be amended as set forth in the application.

No equipment is involved in the transfer and the consideration for the operative right is nominal.

James F. Homer 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 and the Commission being of the opinion that the proposal of applicants is not adverse to the public interest and that no public hearing is required,

IT IS ORDERED:

(1) That within ten (10) days after James F. Homer has filed with the Commission public liability and property damage insurance as required by General Order No. 101, Charles E. Moser may transfer to said James F. Homer and the latter may acquire and thereafter operate thereunder the passenger stage operative right referred to in the foregoing opinion.

(2) That the routes of operation as described in Decision No. 38825, as amended by Decision No. 44155 are hereby further amended to read as follows:

"Beginning in Marin City at the Sheriff's Sub-Station on Richardson Avenue, thence along Richardson Avenue, Drake Avenue, Tagliaferro Avenue, Coleman Way, Richardson Avenue, Briones Street, along the roadway underpassing U. S. Highway No. 101 at the foot of the Waldo Grade, thence along U. S. Highway 101 By-Pass into Sausalito and along Bridgeway Boulevard to the terminus of the route at El Portal Street and Bridgeway Boulevard, Sausalito."

(3) That the action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

(4) That on not less than five (5) days' notice to the Commission and the public, applicants shall comply with the

provisions of General Order No. 79 and Part 19 of General Order No. 98 by filing, in triplicate, and concurrently making effective, appropriate tariffs and timetables.

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

Dated at San Francisco California, this 5th day of May, 1952.

R. F. [Signature]  
President  
Justice P. Casner  
Harold A. Kula  
Benjamin H. [Signature]  
John E. [Signature]  
Commissioners