

Decision No. 48499**ORIGINAL**

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

In the Matter of the Application )  
of MILO I. PASSALACQUA, LEO )  
PASSALACQUA, and LAURENCE GANDO, )  
dba Benicia-Vallejo Stage Line, )  
for issuance of "in lieu" certifi- )  
cate covering the transportation )  
of passengers and their baggage, )  
also express shipments weighing )  
not over 100 pounds each in )  
passenger vehicles only, between )  
Benicia and Vallejo and inter- )  
mediate points. )

Application No. 33931

O P I N I O N

In this application, filed December 8, 1952 and amended February 27, 1953, Milo I. Passalacqua, Leo Passalacqua and Laurence Gando, doing business as Benicia-Vallejo Stage Line, request a certificate of public convenience and necessity authorizing passenger stage service between Benicia, Vallejo and Mare Island Gate and certain intermediate points.

The certificate sought would replace and supersede the present prescriptive passenger stage operative rights which applicants hold authorizing service between Benicia and Vallejo and intermediate points. In addition the desired certificate would add a new route of service for passengers only between Benicia and Mare Island. The operation between Benicia and Vallejo was established by Milo Passalacqua prior to May 1, 1917 as evidenced by his local passenger tariff effective March 1, 1917 which showed passenger fares and rates for the transportation of baggage and packages between those points. The applicant-partnership succeeded to the latter operation under authority of the Commission's Decision No. 40003, rendered February 25, 1947 in Application No. 28133.

The route of the present operation between Benicia and Vallejo is over Benicia Road, State Military Highway and L Street in

Benicia. The proposed operation between Benicia and Mare Island would be conducted over the military highway (Benicia), Miller Road, Springs Road, Plumas Street, Tennessee Street and the Mare Island Causeway with no service to or from points along this route intermediate to its termini. The application states that service over the latter route is designed expressly for Mare Island workers who reside in Benicia. Expedited schedules would coincide with shift changes. This route is about 10-1/2 miles in length. Weekly commutation tickets good for five round-trip fares would be sold for \$2.00 each. Applicants' present fares between Benicia and Vallejo and intermediate points would be continued over the regular route which is about 7-1/2 miles in length. The one-way fare between Benicia and Vallejo over this route is 35 cents and 12-ride adult commutation tickets are sold for \$1.50.

The application states that the routes over which applicants operate never have been defined nor indicated except by maps filed with the Commission; that because of the use of alternate routes within the cities of Benicia and Vallejo during the hours of heavy traffic congestion and the desire to extend its service into Mare Island applicants deem it advisable that they be issued a new certificate defining their operative rights and routes of operation in the manner requested.

After careful consideration of applicants' request we find that public convenience and necessity require the issuance of a new certificate to applicants authorizing passenger stage service for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each between Benicia and Vallejo and intermediate points via Midway, Glen Cove and Home Acres and for the transportation of passengers between Benicia and Mare Island Gate. There is no other common carrier service between the points involved. A public hearing does not appear to be necessary.

Milo I. Passalacqua, Leo Passalacqua and Laurence Gando, doing business as Benicia-Vallejo Stage Line, 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 therefor having been filed 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 Milo Passalacqua, Leo Passalacqua and Laurence Gando, authorizing service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, (a) for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger-carrying vehicles only, between Benicia and Vallejo and intermediate points via Midway, Glen Cove and Home Acres, and (b) for the transportation of passengers between Benicia and the Gateway to Mare Island at the Mare Island Causeway, without service to or from intermediate points.

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

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted.

- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs and timetables satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Between Benicia and Vallejo:

Beginning at 1st and F Streets, Benicia, thence via 1st Street, West J Street, unnamed lateral street between 5th and 6th Streets to K Street, thence over K Street and State Highway, Benicia Road to 8th Street in Vallejo, thence over 8th Street, Maine Street, Sutter Street, York Street, Sacramento Street, Georgia Street, Marin Street to the intersection of York Street. From the intersection of York and Sonoma Streets thence via Sonoma Street, Georgia Street, El Dorado Street to its intersection with Maine Street.

Beginning at the intersection of Sacramento and Georgia Streets, Vallejo, thence along Georgia Street to the entrance of the Mare Island Ferry, thence along Mare Island Boulevard, Virginia Street, Marin Street, Florida Street, Sacramento Street, Georgia Street and Marin Street to Virginia Street.

Between Benicia and the Gateway to Mare Island at the Mare Island Causeway:

Beginning at 1st and H Streets, Benicia, thence via East H Street, 5th Street, State Military Highway to the Arsenal Gate. Thence via State Military Highway, Miller Road, Springs Road, U. S. Highway 40, Tennessee Street, Vallejo, Mare Island Causeway to the Mare Island Gate.

Beginning at 1st and J Streets, Benicia, thence along 1st Street, State Military Highway, East 2nd Street, Hillcrest Avenue, East 5th Street to its intersection with State Military Highway.

Beginning at East 7th Street and State Military Highway, thence over 7th Street, East L Street, East 6th Street and K Street to its intersection with West 6th Street.

Beginning at the intersection of 1st and F Streets, Benicia, thence over West F Street, East 2nd Street, to H Street. Over G Street between 1st and East 2nd Streets, thence over 1st Street to West F Street. Over H Street between East 5th and East 7th Streets. Over East 6th Street between H Street and K Street.

(d) As to each of the areas for which urban routes are specifically prescribed herein, applicants may traverse any of such urban routes or combination of such routes according to reasonable operating requirements, and are, in addition, authorized to turn their motor vehicles at termini or intermediate points either in the intersection of streets or by operating around the blocks contiguous to such intersection in either direction, or in accordance with local traffic regulations.

(3) That the prescriptive operative rights acquired by applicants pursuant to Decision No. 40003 in Application No. 28133 are hereby revoked and annulled.

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

Dated at San Francisco, California, this 2 day of March, 1953.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissionera