

Decision No. 53987

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. M. CHAPPELL, dba VALLEJO INTERURBAN)
TRANSIT CO., for a certificate of)
public convenience and necessity to)
operate a scheduled passenger stage)
line within the corporate limits of)
the City of Vallejo and extending to)
the suburbs of the City of Vallejo at)
a distance of not more than five (5))
miles from the point of origin, which)
is the intersection of Marin and)
Georgia Streets, Vallejo, California.)

Application No. 37840

J. M. Chappell, for himself.
John J. Bradley, for Vallejo Citizens Transit
Company, protestant.
Lohn R. Ficklin, for the City of Vallejo,
interested party.
James K. Gibson, for the Commission staff.

O P I N I O N

By Application No. 37840, filed March 16, 1956, J. M. Chappell seeks authority to operate as a passenger stage corporation between the intersection of York Street and Marin Street in the City of Vallejo on the one hand and on the other hand the intersection of Sacramento Street and Sears Point Road in the community known as Bay Terrace in county territory. This applicant proposes to use an eight-passenger 1954 De Soto Skyview limousine operating at half-hour intervals from 6:15 a.m. until 7:00 p.m. daily except Saturdays and Sundays at rates of 20 cents per passenger one way, 15 cents for school children between the ages of 12 and 17 between the hours of 8:00 a.m. and 4:00 p.m., and a half fare of 10 cents one way for children between the ages of 5 to 12.

Public hearing was held in Vallejo before Examiner Rowe on April 16, 1956, and upon receipt of evidence the matter was submitted for decision.

Applicant testified that over 200 people daily require his proposed service. Two public witnesses appeared on behalf of applicant Chappell stating that they and others in the area greatly need the transportation offered by him. He appears to have adequate experience and financial ability to successfully carry on this proposed operation. The Commission finds that public convenience and necessity require that applicant Chappell operate as proposed.

This service will not be competitive with that offered by any other carrier. In Application No. 37959 filed April 24, 1956, on behalf of Vallejo Transit Lines, the company seeking authority to take over the operation of the Municipal Bus, it is alleged that their proposed service will not be competitive with the service proposed by applicant Chappell to Bay Terrace.

J. M. Chappell is hereby placed on 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 as to the number of rights which may be given. ✓

O R D E R

Application as above entitled having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises, and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to J. M. Chappell authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the termini and all points intermediate thereto and over and along the routes as described and specified in Appendix A which is attached hereto and by reference made a part hereof subject to the provisions, restrictions, limitations and specifications contained therein.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- b. Within sixty days after the effective date hereof, and on 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 schedules satisfactory to the Commission.

(3) That applicant is authorized to temporarily alter any of his routes so as to comply with any one-way street requirement provided in any applicable city or county ordinance hereafter adopted provided applicant shall file an application with the

Commission within thirty days after such temporary route change, requesting that such change be made permanent.

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

Dated at Los Angeles, California, this 15th day of May, 1956.

John E. Birtchell
President
Justus D. Coates
Ray W. Cramer
Wm. H. Dool
B. H. Hardy
Commissioners

APPENDIX A
to
Decision No. 53087
in
Application No. 37840

Showing certificated points and routes of operation to be served by J. M. Chappell, together with specifications, exceptions, restrictions, limitations and privileges applicable thereto.

All amendments to this Appendix A will be as revised pages or added original pages.

Effective as shown by Decision No. 53087.

Issued by California Public Utilities Commission.

J. M. Chappell, by the certificate of public convenience and necessity granted in the above-numbered decision is authorized to transport passengers between the intersection of York Street and Marin Street in the City of Vallejo on the one hand, and on the other hand, the intersection of Sacramento Street and Sears Point Road in the community known as Bay Terrace in county territory serving all intermediate points.

Motor vehicles may be turned at termini or intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, or in accordance with local traffic regulations.

When route descriptions are given in one direction, they apply to operations in either direction, unless otherwise indicated.

Subject to the authority of this Commission to change or modify such at any time J. M. Chappell shall conduct said passenger stage operations between the following points and over and along the following described routes:

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Route No. 1, Vallejo - Bay Terrace

Beginning at the intersection of York Street and Marin Street in the City of Vallejo thence along Marin Street, Florida Street, Santa Clara Street, Tennessee Street, Wilson Avenue, Daniels Street, Rodgers Street, Gardner Street and Sacramento Street to its intersection with Sears Point Road in Bay Terrace.

Applicant is authorized to pick up and discharge passengers while turning his vehicle by operating around the block composed of Georgia Street, Marin Street, York Street and Sacramento Street.

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