

ORIGINALDecision No., 60070

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint application of Lincoln Properties, Inc., doing business as Lincoln Bus Line, and Robert A. Burrowes for authority for the former to transfer, under Sections 351 and 353 of the Public Utilities Code, to the latter operating rights and equipment serving Stockton, Lincoln Village and Colonial Heights.

Application No. 41992

O P I N I O N

On March 1, 1960, Lincoln Properties, Inc., doing business as Lincoln Bus Line, and Robert A. Burrowes filed a joint application requesting authority for Lincoln Properties, Inc. to transfer to Robert A. Burrowes, for the sum of \$10, its present operating authority between Stockton, Lincoln Village and Colonial Heights and certain operating equipment which has a stated net value of \$4,500 pursuant to Bill of Sale and Assignment of Certificate of Public Convenience and Necessity, a copy of which is attached to the application. Robert A. Burrowes proposes to retain present fares in effect and to continue service at the present level.

Lincoln Properties, Inc., doing business as Lincoln Bus Line, is a passenger stage corporation engaged in the transportation of passengers pursuant to a certificate of public convenience and necessity granted by Decision No. 52734, issued March 6, 1956, in Application No. 37550 as amended by Decision No. 55325, issued July 30, 1957, in Application No. 39126. Apparently through

inadvertence, applicants in the bill of sale have referred to the certificate issued by Decision No. 45838 which has been revoked by Decision No. 52734.

In justification of the proposed transfer, it is represented that Lincoln Properties, Inc., has been operating the Lincoln Bus Line for nearly ten years as a side-line to its real estate development business, and, consequently, it has not been able to devote the necessary time for proper management of the service. Exhibit No. 2 attached to the application shows that for the six months ended June 30, 1959, Lincoln Properties, Inc., suffered a loss of \$2,031.30 from its operations as a passenger stage.

On the other hand, it is stated in the application that Robert A. Burrowes has been actively engaged in various forms of the transit business in Central California for more than twenty-one years and that a careful survey of the operation leads him to believe that the operation may be conducted by him at a profit and without detriment to the present operation.

There are no other carriers serving the area herein concerned.

Exhibit No. 2 attached to the application shows that as of December 31, 1958, Lincoln Properties, Inc., had a total capital stock and earned surplus of \$404,048.79. Exhibit No. 3 shows that Robert A. Burrowes has a net worth of \$19,875.00.

After consideration, the Commission is of the opinion that the proposed transfer would not be adverse to the public interest provided that if, within a period of three years after the transfer

herein authorized, service shall be discontinued by Robert A. Burrowes without prior approval of this Commission, the operating rights involved herein are retransferred to Lincoln Properties, Inc., doing business as Lincoln Bus Line, from Robert A. Burrowes, without further consideration and without further approval of this Commission, and Lincoln Properties, Inc., doing business as Lincoln Bus Line, shall re-establish passenger stage service between the points herein considered.

A public hearing in this matter is not necessary.

Robert A. Burrowes 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, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled 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 having been filed and the Commission being informed in the premises,

IT IS ORDERED that:

(1) On or before October 15, 1960, Lincoln Properties, Inc., doing business as Lincoln Bus Line, may transfer and Robert A. Burrowes may acquire the operative rights granted to said Lincoln

Properties, Inc., by Decision No. 52734, issued March 6, 1956, in Application No. 37550, as amended by Decision No. 55325, issued July 30, 1957, in Application No. 39126, and certain operating equipment pursuant to Exhibit No. 1 attached to the application, provided that the following paragraph shall be deleted:

"Upon approval of these transfers and assignments by the Public Utilities Commission of the State of California, Lincoln Properties, Inc., shall be relieved of all responsibility or obligations to the public or the State of California in connection with the operations of Lincoln Bus Line after the date of approval of this assignment."

(2) Within thirty days after the consummation of the transfer herein authorized, Robert A. Burrowes shall notify the Commission, in writing, of that fact, and within said period shall file with the Commission a true copy of the bill of sale executed to effect said transfer.

(3) On not less than five days' notice to the Commission and to the public, applicants shall, effective concurrently with the consummation of such transfer, amend or reissue the tariffs on file with the Commission, naming rates, rules, and regulations governing the common carrier operations here involved to show that Lincoln Properties, Inc., doing business as Lincoln Bus Line, has withdrawn or canceled, and Robert A. Burrowes has adopted or established as his own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 79.

(4) If within a period of three years after the transfer herein authorized the passenger stage service shall be discontinued by

Robert A. Burrowes without prior approval of the Commission, the operating rights herein involved shall be retransferred to Lincoln Properties, Inc., doing business as Lincoln Bus Line, from Robert A. Burrowes without further consideration being paid by said Lincoln Properties, Inc., and without further approval of this Commission, and said Lincoln Properties, Inc., doing business as Lincoln Bus Line, shall re-establish passenger stage service between the points herein considered.

(5) In the event the passenger stage service is retransferred to Lincoln Properties, Inc., doing business as Lincoln Bus Line, applicants shall, on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such retransfer, amend or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Robert A. Burrowes has withdrawn or canceled his rates, rules and regulations and Lincoln Properties, Inc., doing business as Lincoln Bus Line, has adopted or established as its own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 79.

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

Dated at San Francisco, California, this 9th day of May, 1960.

[Signature]
President
[Signature]
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Commissioners