

ORIGINALDecision No. 60441

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Jack Davis, Jr., for certificate of
 public convenience and necessity to
 operate passenger service between
 Palomar Airport, Carlsbad, California,
 and Del Mar Race Track, Del Mar,
 California.

Application No. 42414

O P I N I O N

Jack Davis, Jr., seeks a certificate of public convenience and necessity authorizing him to operate as a passenger stage corporation between Palomar Airport, Rancho Santa Fe and Del Mar Race Track during the period each year when racing is conducted at said track.

Applicant alleges that Del Mar Airport is closed; that Palomar Airport, which is a new county airport, is the airport closest to Del Mar Race Track; that he possesses exclusive transportation rights at Palomar Airport; that the racing season attracts many tourists; that many retired people who reside in the area are interested in racing and require transportation to the Del Mar Race Track; that no common carrier transportation service is operating between the points proposed to be served.

It is proposed to charge round trip fares of \$3.00 from the airport to the race track and \$1.50 from Rancho Santa Fe Inn to the race track. One way trips will be one half the round trip fare. Schedules are arranged to depart from the airport at 12:00 noon and from the Inn at 12:20 p.m., and after the completion of the last race a schedule will depart from the race track at 6:30 p.m.

No protests to the granting of the application have been received. It appears from the application that the applicant possesses the requisite financial ability to institute and maintain the proposed service.

Upon consideration of the facts here involved, the Commission finds that public convenience and necessity require that Application No. 42414 be granted. A public hearing is not necessary.

Applicant 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

An application having been filed and the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Jack Davis, Jr., authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Palomar Airport, Rancho Santa Fe and Del Mar Race Track subject to the following conditions:

- (a) The service authorized herein shall be rendered only during such periods as horse racing is conducted at the Del Mar Race Track.

- (b) Passengers shall be picked up or discharged only at the Palomar Airport, Rancho Santa Fe and the Del Mar Race Track, and service shall be limited to passengers destined to or originating at said race track.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98 and insurance requirements of the Commission's General Order No. 101-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 98 and 101-A, may result in a cancellation of the operating authority granted by this decision.
- (b) Within sixty days after the effective date hereof, and on not less than one day's 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 such at any time, Jack Davis, Jr., shall conduct said passenger stage operations over and along the following route:

South from Palomar Airport on El Camino Real (San Diego County Road S-11) to San Marcos Road (San Diego County Road S-9), east to Rancho Santa Fe Inn, thence south on San Diego County Road S-6 from Rancho Santa Fe to Del Mar Race Track.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 26th day of July, 1960.

President

Theodore Dennis
Commissioners