Decision No. 24501

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Quincy Railroad Company, a corporation, for a certificate of public convenience and necessity to operate truck and auto service as a common carrier, between Quincy and Quincy Junction, as a coordinate service with that now furnished by applicant.

Application No. 18021.

BY THE COMMISSION:

ORIGINAL

OBIZIOZ

Quincy Railroad Company, a California corporation, has made application to the Commission for a certificate of public convenience and necessity to operate truck and automobile service between Quincy and Quincy Junction.

Applicant requests a certificate for the purpose of transporting between termini a distance of 5.19 miles over the county road parallel to its steam railroad tracks l.c.l.

freight which now is transported by train operation. Applicant avers that the only transportation service between the points named is now conducted by rail; that the cost of two round trips daily with steam road equipment is not justified by the volume of business and is being conducted at a great loss; that if the certificate is granted the certier will at its option transport less than carload freight between the points by truck; that this optional method of transportation will be employed only on l.c.l. shipments but that carload shipments and large shipments of freight will move as now by rail; that passengers will be transported by automobile.

Applicant proposes to employ a two and one-half ton truck which shall be either owned or leased by applicant. For the transportation of passengers such automobiles as may be

necessary will be provided for the movement of passengers.

Express matter will be transported by truck or automobile.

Accompanying the application was a list of shippers now

receiving service by rail representing 80 percent of the shippers and 90 percent of the freight and express handled approving the application and asking that it be granted. The rates to be charged on both freight, express and passenger traffic between termini will be the rates now on file with the Commission for the transportation of these classes by rail.

We believe this is a matter in which a public hearing is not necessary and that the application with proper limitations should be granted.

Quincy Railroad Company, a corporation, is bereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Iside 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.

ORDER

Quincy Railroad Company, a California corporation, having made application to the Commission for a certificate of public convenience and necessity to operate truck and auto service as a common certier between Quincy and Quincy Junction as a coordinate service with that now furnished by applicant,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of an operation of truck and automobile service between Quincy and Quincy Junction for the transportation of persons and property

over and along the county highway between termini; and

IT IS HEREBY OFDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted subject to the following conditions:

- 1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
- Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission.
- 3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from date hereof, on not less than five (5) days notice to the Commission and the public, time schedules, according to form provided in General Order No. 83, covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- 5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 2/2 Marca

1932.