

Decision No. 24714.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

THE RIVER LINES

(The California Transportation Company, Sacramento Navigation Company, and Fay Transportation Company)

For a certificate of public convenience and necessity authorizing the transportation of freight by auto truck on the public highways: (1st) between (a) Pittsburg and (b) Antioch and Martinez; (2nd) between (a) Rio Vista and (b) Isleton, Walnut Grove, Ryde, Courtland, Vorden, Grand Island Wharf, Hood, Clarksburg and Freeport.

Application No. 18016.

McCutchen, Olney, Mannon & Greene, by Allan P. Matthew and F. Mielke, for the applicants.
 L. N. Bradshaw, for The Western Pacific Railroad and Sacramento Northern Railway.
 G. E. Duffy and Berne Levy, for The Atchison, Topeka and Santa Fe Railway Company.
 Roy G. Hillebrand, for the Southern Pacific Company.
 E. A. Lincoln, for the Fibreboard Products, Incorporated.

STEVENOT, Commissioner:

O P I N I O N

By application filed March 8, 1932, as amended March 24, 1932, the Commission is asked to grant to The River Lines (comprising The California Transportation Company, Sacramento Navigation Company and Fay Transportation Company) a certificate of public convenience and necessity authorizing the transportation of freight by auto truck on the public highways between Pittsburg on the one hand and Antioch and Martinez on the other hand, and between Rio Vista on the one hand and Isleton, Walnut Grove, Ryde, Courtland, Vorden, Grand Island Wharf, Hood, Clarksburg and

Freeport on the other hand.

A public hearing was held at San Francisco April 1, 1932, and the matter submitted.

Applicants are now engaged in transporting freight by vessel between points in the San Francisco Bay district and points on the Sacramento and San Joaquin Rivers, including the points between which a certificate is sought. They propose to continue to render service by vessels as heretofore, but, as an alternative service, to serve Antioch and Martinez via water and truck through Pittsburg, and to serve Isleton, Walnut Grove, Ryde, Vorden, Courtland, Grand Island Wharf, Hood, Clarksburg and Freeport via water and truck through Rio Vista. This will enable applicants to eliminate stopping their vessels at the points to be served by truck, thereby expediting the receipt and delivery of freight at Sacramento and other points. They further claim that it will effect certain economies in operation and maintenance and improve the service to the public.

Applicants do not contemplate performing any local service between any of the points between which the proposed truck service is to be established, but will restrict their highway operations to freight originating at or destined to points beyond Pittsburg and Rio Vista. They propose to provide truck service at the same docks, wharves or warehouses at which freight is now received or delivered by their vessels and at rates not in excess of those contemporaneously applicable to shipments moving via the all-water route. In addition thereto they propose to furnish a pickup and delivery service within the cities and towns now served at rates shown in amended Exhibit No. 1 filed at the hearing. Freight will be moved to and from the points heretofore referred to by auto truck via Rio Vista and Pittsburg at carriers' convenience.

In my opinion the application should be granted, subject to the conditions set forth in the order. The following form of order is recommended:

O R D E R

The River Lines (comprising The California Transportation Company, Sacramento Navigation Company and Fay Transportation Company) having made application for a certificate of public convenience and necessity authorizing the transportation of freight by auto truck on the public highways as hereinbefore set forth,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the transportation of freight by auto truck between Pittsburg on the one hand and Antioch and Martinez on the other hand, and between Rio Vista on the one hand and Isleton, Walnut Grove, Ryde, Courtland, Vorden, Grand Island Wharf, Hood, Clarksburg and Freeport on the other hand.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it is hereby granted to The River Lines (comprising The California Transportation Company, Sacramento Navigation Company and Fay Transportation Company) on the following conditions:

1. The River Lines is hereby placed on notice that "operating rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. 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.

2. Only freight originating at or destined to San Francisco Bay points and received from or delivered to applicant's vessels at Pittsburg or Rio Vista shall be transported under the certificate herein granted, and only

between points where freight is now received or delivered by applicant's vessels and not locally between any such points.

3. The rates to be charged for the combined water and truck service shall in no case exceed the rates contemporaneously applicable for the transportation of freight between the same points over applicant's lines wholly by water, except that where a pickup and/or delivery service is performed rates of the volume of those set forth in amended Exhibit No. 1 shall be applied.

4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or 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 under the certificate herein granted unless such vehicle is owned or leased by applicant, or is operated under an arrangement satisfactory to the Railroad Commission of the State of California.

6. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25th day of April, 1932.

O. C. Lewis
Leon Whitley
M. A. C.
M. B. Harris
Fred G. Stewart
Commissioners.