

Decision No. 25695

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CITIZENS TRUCK COMPANY, LTD., a  
California corporation, for a certificate  
of public convenience and necessity  
to operate motor vehicles for the  
transportation of freight traffic  
exclusively for The Atchison, Topeka  
and Santa Fe Railway Company, a  
corporation, between its freight depot  
at Los Angeles, California, and its  
freight depot at Huntington Park-Vernon,  
California.

} Application  
} No. 18642

BY THE COMMISSION -

**ORIGINAL**

OPINION

Citizens Truck Company, Ltd., a corporation, has made application for a certificate of public convenience and necessity to operate motor vehicles for the transportation of property between The Atchison, Topeka and Santa Fe Railway Company freight depot at Los Angeles and its Huntington Park-Vernon freight station, located at 56th and Malabar Streets. The proposed service is to be confined exclusively to the less than carload freight of The Atchison, Topeka and Santa Fe Railway which now moves wholly by rail. The freight will be transported in sealed containers loaded and unloaded by the railroad.

Applicant is now operating under the Commission's jurisdiction as a common carrier of freight between various points in Southern California and is also performing a truck service in the City of Los Angeles. The proposed service between the stations of The Atchison, Topeka & Santa Fe Railway Company is to enable the railroad to give a more expeditious delivery of less than carload freight. In some cases deliveries can be made 24 hours earlier than under the present method of handling the shipments all rail.

This is a matter in which a public hearing is not deemed necessary. The application will be granted.

Citizens Truck Company, Ltd. is hereby 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. 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.

#### ORDER

Citizens Truck Company, Ltd., a corporation, having made application for a certificate of public convenience and necessity to operate between the railway freight station of the Santa Fe at Third Street and Santa Fe Avenue, in the City of Los Angeles, and the freight station of the Santa Fe at its Huntington Park-Vernon freight station, located at 56th Street and Malabar Street in the County of Los Angeles for the transportation only of less than carload cargoes consigned over Santa Fe Railway between stations under contract with the Santa Fe for said service,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of the service as proposed by applicant, and

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

1. This order shall not be effective unless and until applicant shall have filed with this Commission for its approval, in duplicate, copy of contract between applicant and Santa Fe Railway.

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

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 days' notice to the Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.

4. 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 7<sup>th</sup> day of March, 1933.

CL Leavy  
Leon Curtis  
W. A. C.  
W. B. Harris  
W. B. Harris  
COMMISSIONERS.