

Decision No. 25745.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PACIFIC MOTOR TRANSPORT COMPANY  
for a certificate of public con-  
venience and necessity to operate  
motor trucks between Surf, Lompoc  
and White Hills, California and  
points intermediate thereto, for the  
transportation of rail traffic and  
Railway Express Agency traffic.

)  
Application  
No. 18752.

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

Pacific Motor Transport Company, a corporation, has made application for a certificate of public convenience and necessity to operate trucks for the transportation of property between Surf, Lompoc and White Hills and intermediate points. The service is to be maintained only for the transportation of shipments of the Southern Pacific Company and Railway Express Agency, Inc. of Delaware. The Southern Pacific Company, Railway Express Agency, Inc. and Pacific Greyhound Lines, Inc. are the only carriers serving the points referred to above. Shipments via the Pacific Greyhound Lines, Inc. are limited to packages not in excess of 100 pounds in weight when carried only on passenger vehicles. The service here proposed is without weight limitation.

The rates to be charged will be the rates now in effect via the Southern Pacific Company and Railway Express Agency, Inc.

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

Pacific Motor Transport Company 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.

### O R D E R

Pacific Motor Transport Company, a corporation, having made application for a certificate of public convenience and necessity to establish and operate auto truck freight transportation between Surf, Lompoc and White Hills,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of such service between Surf, Lompoc and White Hills and all intermediate points over and along the following route:

Via main county highways as shown on the map attached to the application as Exhibit "B", and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it is hereby granted applicant, Pacific Motor Transport Company, a corporation, provided applicant shall first file with this Commission its contract with Southern Pacific Company and Railway Express Agency, Inc., and subject to the following conditions:

1. The certificate herein granted is limited to the transportation of property consigned to Southern Pacific Company or Railway Express Agency, Inc. regardless of origin or destination and for no other service.
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 triplicate, within a period of not to exceed twenty (20) days from the date hereof, tariffs to show reference by C.R.C. numbers to the tariffs of Southern Pacific Company and of Railway Express Agency, Inc. in which the rates, rules and regulations to be observed by applicant will be found.

4. 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.

5. 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.

6. 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 20th day of

March 1933.

C. C. Linn  
Leon Johnson  
M. A. Linn  
W. B. Lewis  
W. H. Linn  
Commissioners.