

Decision No. 28652

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA FREIGHT LINES,
a corporation, for a certificate of
public convenience and necessity
authorizing it to extend its service
from Whitewater to Twenty-Nine Palms.

)
) Application No. 20255.
)

BY THE COMMISSION:

O P I N I O N

ORIGINAL

Applicant Southern California Freight Lines, a corporation, herein seeks certification to extend its automotive highway common carrier truck service from Whitewater to Twenty-Nine Palms and intermediate points with the right to serve the territory within five miles of the public highway between said points.

Applicant alleges as justification for the granting of the authority herein applied for, that the community of Twenty-Nine Palms is a semi-desert area and has, during the past few years, developed as a health resort particularly for ex-service men; that there are no railroads nor certificated truck lines on the route from Whitewater to Twenty-Nine Palms and that the only means of transportation of property is by private truck.

Applicant further alleges that the community of Twenty-Nine Palms has a population of approximately 500 people and about eighteen business enterprises consisting of a general store, garages, service stations, two hotels, a lumber company, a laundry and a weekly newspaper.

Surrounding the townsite of Twenty-Nine Palms are a number of gold mines and custom mills in operation.

Applicant avers that the tonnage moving to and from said community is in excess of twenty-five tons a week and applicant proposes to render a tri-weekly service and will be able to operate profitably on the schedule of rates proposed in conjunction with the business now conducted by the applicant between Coachella Valley and Los Angeles and intermediate points.

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

Southern California Freight Lines 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

Southern California Freight Lines having made application for a certificate extending its operation as an automotive highway common carrier of property from Whitewater to Twenty-Nine Palms;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Southern California Freight Lines, a corporation, of an automotive truck service as a highway

common carrier for the transportation of property for compensation between Whitewater and Twenty-Nine Palms and intermediate points with the right to serve laterally five (5) miles each side of the route between such points, not as a separate operating right, but as an extension and enlargement of applicant's present operative right between Los Angeles and Whitewater as created by Decision No. 8965 dated May 12, 1921, in Application No. 6428;

and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to Southern California Freight Lines, a corporation, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten (10) days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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 obtained.
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 27th day of December 1935.

Leon C. Wells

W. A. Linn

M. B. Lavin

W. H. Linn

Frank R. Deven

COMMISSIONERS.