

Decision No. 29119

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SANTA FE TRANSPORTATION COMPANY, a
corporation, for a Certificate of
Public Convenience and Necessity to
operate an Auto Truck Service as a
Common Carrier Between San Diego and
National City.

}
}
} Application No. 20615

BY THE COMMISSION:

ORIGINAL

O P I N I O N

By this application Santa Fe Transportation Company, a corporation, seeks a certificate of public convenience and necessity for the automotive transportation of freight and baggage as a highway common carrier between San Diego and National City.

Applicant does not propose to handle, directly, traffic for the public generally between the above mentioned points, but proposes to handle such traffic for and on behalf of the Atchison, Topeka and Santa Fe Railway Company under rates to be fixed by contract on a basis compensatory to applicant and for any common carrier of like character, copies of such contracts to be filed concurrently with the Commission.

The points to be served are stations of the Atchison, Topeka and Santa Fe Railway and the San Diego and Eastern Railway Company respectively in National City and points in National City on the one hand and the depot of the Atchison, Topeka and Santa Fe Railway Company in San Diego on the other hand. No regular schedule is proposed, operations to be as traffic demands.

As justification for the granting of the authority herein sought, applicant alleges that service for less than carload freight consigned to and from National City is slower and more expensive by the Railway Company switching operation now used than by motor truck service between railway depots. The small amount of traffic involved makes for prohibitive cost to obtain such service from other drayage operators. In order to accord adequate service to the public and meet other carrier competition as well as expediting movement of freight and baggage, the Santa Fe Transportation Company is prompted to make the instant application.

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

The Santa Fe Transportation 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Santa Fe Transportation Company, a corporation, of an automotive service for the transportation of freight and baggage as a highway common carrier between the depot of the Atchison, Topeka and Santa Fe Railway Company in San Diego on the one hand and the depots of the Atchison, Topeka and Santa Fe Railway Company and

the San Diego and Arizona Eastern Railway Company, respectively, in National City, on the other hand, including the right to perform pickup and delivery service in National City where provided for under existing or future tariffs of the carrier whose traffic will be handled by applicant over and along the following route:

Commencing at the Atchison, Topeka and Santa Fe Railway Company Depot in San Diego located at Broadway and Pacific Boulevard, south on Pacific Boulevard to Market St., east on Market Street to 12th Street, south on 12th Street to National Avenue, southeast on National Avenue to Sigsbee Street, southwest on Sigsbee Street to Main Street, southeast on Main Street to Roosevelt Avenue, thence to National City.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to Santa Fe Transportation Company subject to the following conditions:

1. The certificate herein granted is limited to the transportation of property which may have been previously consigned for transportation over the line of The Atchison, Topeka and Santa Fe Railway Company and which may be delivered to the applicant by The Atchison, Topeka and Santa Fe Railway Company at the Railroad Stations designated herein.
2. Applicant shall file a 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, within a period of not to exceed twenty (20) days from date hereof, copies of the contract between applicant and The Atchison, Topeka and Santa Fe Railway Company relating to the operation herein directed to be certificated.
4. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad 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 conforming to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.

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

6. 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.

7. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant 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 21st day of

September, 1936.

M B Lewis

Leon Whittell

W. F. Carr

W. H. ...

COMMISSIONERS