

Decision No. 29216

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 PACIFIC MOTOR TRUCKING COMPANY  
 for extension of its operating  
 rights between Martell and Stockton  
 to Tracy.

Application No. 20817

BY THE COMMISSION:

O P I N I O N**ORIGINAL**

By this application Pacific Motor Trucking Company seeks a certificate of public convenience and necessity as a highway common carrier of property between Stockton and Tracy as an extension of its present operating right between Stockton and Martell. No intermediate point service is proposed and property transported is to be limited to rail traffic of Southern Pacific Company, and express matter of Pacific Motor Transport Company and Railway Express Agency, Inc. Operation of this extension is to be optional with applicant as best meets the convenience of Southern Pacific Company, Pacific Motor Transport Company and Railway Express Agency, Inc.

In justification of the granting of the certificate herein sought, applicant alleges that due to increased volume of rail traffic it has been found impracticable to complete the necessary switching at Tracy for points Stockton, Lodi and eastward in time to permit arrival in Stockton for transfer to motor truck at time of scheduled departure thereof. This situation results in severe delay at all stations enroute. Applicant believes that by operating said truck from Tracy instead of Stockton the delay, due to switching at Tracy, would be avoided and the truck would be able to depart from Stockton on time.

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

Pacific Motor Trucking 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 Pacific Motor Trucking Company, a corporation, of an automotive service for the transportation of property, as a highway common carrier, between Stockton and Tracy as an extension and enlargement of its present operating right between Stockton and Martel. The transportation of property to be limited to such property as may have been delivered to applicant by Southern Pacific Company or Pacific Motor Transport Company or Railway Express Agency, Inc. at Tracy and subject to the following restrictions.

1. No through or local shipments may be transferred to any point intermediate between Tracy and Stockton or to Stockton.
2. Applicant will operate at the option of or on call for the rail and express companies above mentioned.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby

granted to Pacific Motor Trucking Company subject to the following conditions:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. 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 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 and rules 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 Railroad 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 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 ten (10) days from the date hereof.

Dated at San Francisco, California, this 26th day of October, 1936.

M. B. Davis  
Leon Whittell  
W. A. Carr  
W. H. Thompson  
James R. Deane  
COMMISSIONERS.