

Decision No. 29462

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY for)
a certificate of public convenience)
and necessity authorizing the trans-)
portation of property in the custody)
of other common carriers by motor)
truck between San Francisco and)
Oakland.)

Application
No. 19888

BY THE COMMISSION:

ORIGINAL

O P I N I O N

By this application and amendments hereto, Pacific Motor Trucking Company, a corporation, seeks a certificate of public convenience and necessity to operate an automotive service as a highway common carrier of property between the City and County of San Francisco and the City of Oakland, County of Alameda via the San Francisco-Oakland Bay Bridge and/or any ferry service lawfully operating between said points and via the various streets and highways extending between the bridge or ferry approaches and the stations, depots and/or terminals of Southern Pacific Company and/or Railway Express Agency, Inc., and/or Pacific Motor Transport Company.

Applicant does not propose to handle any traffic directly for the public generally between such points but proposes to handle such traffic only for and on behalf of Southern Pacific Company, Pacific Motor Transport Company, Railway Express Agency, Inc., and any other carrier or carriers of the same class which may desire to employ the services of applicant. The compensation

to be paid by such carriers to applicant shall be fixed by contract between them and applicant on a basis compensatory to applicant, copies of such contracts to be filed with the Commission.

Applicant alleges that the granting of the authority herein sought will afford the public better and faster service through use of the bridge and the ferries and the use of these routes, as alternates to the existing service by rail around the south end of San Francisco Bay or by barge or car floats, will greatly facilitate the handling of both intrastate and interstate traffic involved.

Pacific Motor Traffic Bureau, representing the greater number of certificated highway carriers now operating between San Francisco and East Bay Points, has advised the Commission through its agent, E. E. Hart, that it will waive objection to the granting of this application. Merchant's Express Corporation has also waived protest in this matter.

In view of these waivers it would appear that 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 of an automotive service for the transportation of property as a highway common carrier between the City and County of San Francisco and the City of Oakland, County of Alameda, via the San Francisco-Oakland Bay Bridge and/or the ferries of the Southern Pacific Golden Gate Ferries Ltd. provided that such service shall be limited to the transportation of property only for and on behalf of Southern Pacific Company, Pacific Motor Transport Company, Railway Express Agency, Inc. and any other carrier or carriers of the same class which may have been previously consigned to said carriers and which may be delivered to applicant at the stations, depots or terminals of said carriers at the points herein mentioned and to be redelivered to applicant at the carriers' stations, terminals or depots in San Francisco and Oakland.

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 stipulating therein that said certificate is granted as a new and separate right and not as an extension of or consolidation with applicant's present operating rights.
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 conforming 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.

6. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91

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 18th day of January, 1937.

Walter H. Hays
Leon Whitely
Ray Swanson
Ray & Cady
COMMISSIONERS.