

Decision No. 39200

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY for)
enlargement of its operative rights)
in the handling of rail and express)
shipments between Los Gatos and)
Mayfield, now held under Decisions)
Nos. 25720 and 26017, so as to permit)
of service as an underlying carrier)
in the handling of rail and express)
shipments to and from points within)
one mile on either side of the main)
highway over which applicant operates)
between Cupertino and Los Gatos via)
Saratoga, and application of PACIFIC)
MOTOR TRANSPORT COMPANY to extend its)
express service in said territory so)
as to serve all shippers and consignees)
within said roadside zone.)

ORIGINAL

Application No. 21458

BY THE COMMISSION:

O P I N I O N

This is a joint application by Pacific Motor Trucking Company and Pacific Motor Transport Company.

Pacific Motor Trucking Company seeks authority to extend and enlarge its present operative rights between Cupertino and Los Gatos via Saratoga as established by Decisions Nos. 25720 and 26017 so as to permit it to serve as an underlying carrier for rail and express shipments to and from all points within a zone of one mile on either side of the main highway traversed between the termini referred to above, and Pacific Motor Transport Company seeks authority to extend its operations as an express corporation to and from all points within the aforesaid highway zone.

In justification of the granting of the authority herein sought, applicants allege as follows:

"On the southerly part of said route, that is to say, between Cupertino and Los Gatos, there is a public demand for service of the character generally operated by applicants by shippers and consignees located within one mile on either side of the main highway over which said

operation is conducted, that is to say, the main highway between Cupertino and Los Gatos via Saratoga, and applicants are ready, able and willing to provide such service within said zones accordingly."

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

Pacific Motor Trucking Company and Pacific Motor Transport Company are 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 establishment and operation by Pacific Motor Trucking Company of an automotive operation as a highway common carrier of property as such is defined in Section 2-3/4 of the Public Utilities Act to and from all points within a zone of one mile on either side of the main highway traversed between Cupertino and Los Gatos via Saratoga as an extension and enlargement of its existing rights as heretofore defined and authorized by Decisions Nos. 25720 and 26017, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the service described above, be, and the same hereby is, 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 of this order.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HEREBY DECLARES that public convenience and necessity require the establishment and operation by Pacific Motor Transport Company of an express service as an express corporation as such is defined in Section 2 k of the Public Utilities Act to and from all points within a zone of one mile on either side of the main highway between Cupertino and Los Gatos via Saratoga as an extension and enlargement of its existing express corporation rights.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the service described above be, and the same is hereby, granted to Pacific Motor Transport 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 of this order.
3. Applicant shall file and make effective on not less than five (5) days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the General Orders of this Commission and in conformity with the certificate herein granted.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 4th day of October, 1937.

Robert M. ...
Leon ...
Frank ...
Paul ...
COMMISSIONERS