

Decision No. 31475

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC MOTOR TRANSPORT COMPANY for
a certificate of public convenience
and necessity to operate passenger
stage between Surf and Lompoc.

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)
) Application No. 22356
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BY THE COMMISSION:

O P I N I O N

Applicant Pacific Motor Transport Company, a California corporation, herein seeks a certificate as a passenger stage corporation authorizing the transportation of passengers, baggage and express between Surf and Lompoc and intermediate points.

The request for authority to transport express is to be subject to the restriction that no single package shall be accepted for shipment that weighs in excess of one hundred pounds and all express is to be transported on passenger vehicles only except as to property transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers therefor when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restriction as to weight and vehicle shall not apply.

As justification for the authority sought, applicant makes reference to the application of Pacific Motor Trucking Company to abandon a service identical to that as herein proposed. ⁽¹⁾ By Decision No. 31476, dated November 28, 1938, Pacific Motor Trucking Company was authorized to discontinue and abandon all operations for the transportation of passengers, baggage and express between Surf and Lompoc and intermediate points.

(1) Application No. 22355.

This is not a matter requiring a public hearing and the authority requested appearing to be in the public interest will be granted.

Pacific Motor Transport 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 establishment and operation by Pacific Motor Transport Company, a corporation, of an automotive service as a passenger stage corporation as defined in section 24 of the Public Utilities Act for the transportation of passengers, baggage and express over the main road between Surf and Lompoc and intermediate points.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Pacific Motor Transport Company subject to the following conditions:

1. The right to transport express is subject to the restriction that no single package shall be accepted for shipment that weighs in excess of one hundred (100) pounds and all express is to be transported on passenger vehicles only except as to property transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers therefor when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restrictions as to weight and vehicle shall not apply.

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 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.

4. 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, a time schedule or time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.

5. 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.

6. 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.

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

Dated at San Francisco, California, this 27th day of

November, 1938.

Raymond A. Kelley
Leon A. Kelley

Ray A. Kelley
COMMISSIONERS