

Decision No. 32318

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC MOTOR TRUCKING COMPANY for
an emergency certificate of public
convenience and necessity for the
transportation of property by motor
vehicle between San Francisco and
Sausalito.)

) Application No. 22975
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ORIGINAL

BY THE COMMISSION:

O P I N I O N

Pacific Motor Trucking Company has requested a certificate of public convenience and necessity to establish service between San Francisco and Sausalito via the Golden Gate Bridge, on a temporary basis, in lieu of their operation via vessel between San Francisco and Marin County.

Applicant alleges that this emergency certificate is sought for the following reasons:

"Less-than-carload traffic of Northwestern Pacific Railroad Company between San Francisco and Sausalito has heretofore been barged across San Francisco Bay. Recently a strike of the Inland Boatmen's Union affecting the tugboat operator which transported said barges across San Francisco Bay became effective. Since said strike became effective, the less-than-carload traffic of Northwestern Pacific Railroad Company has been transported across San Francisco Bay on trucks on ferryboats. This method of handling has proved inadequate in that the volume of business is such that large trucks are required to handle the same and the ferryboats will not accommodate trucks of the size required to handle the traffic moving. It is necessary, therefore, that some other method of transporting the less-than-carload traffic of Northwestern Pacific Railroad Company between San Francisco and Sausalito be employed, and the transportation of such traffic by motor vehicle between San Francisco and Sausalito over the Golden Gate Bridge by applicant during the existence of the present strike conditions heretofore referred to will be the most economical and satisfactory method of handling the situation."

Applicant proposes no definite time schedule but will operate when and as traffic is to be moved. Also, the proposed change will not involve any change in the existing rate schedule. The proposed motor vehicle operation will be utilized only as a substitute for barging less-than-carload traffic across the bay during the existence of the present strike and will not constitute an enlargement of its existing operative right.

This appears to be a matter in which a public hearing is not necessary and the granting of the proposed application will permit an uninterrupted transportation service to the territory served by the Northwestern Pacific Railroad Company. Accordingly, 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 establishment and operation, for a temporary period, by Pacific Motor Trucking Company of an automotive service as a highway common carrier, as defined in section 2 3/4 of the Public Utilities Act, for the transportation of property between San Francisco and Sausalito via the Golden Gate Bridge.

IT IS ORDERED that a certificate of public convenience and necessity for such operation be and it is hereby granted to Pacific Motor Trucking Company, subject to the following conditions:

1. Applicant shall immediately file his written acceptance of the certificate herein granted.
2. The authority herein granted is to permit of an alternative operation to that now performed via vessel and will terminate as soon as applicant is again in a position to operate via vessels between San Francisco and Marin County.

IT IS HEREBY FURTHER ORDERED that during such time as applicant is unable to perform service via vessel such operation may be suspended.

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

Dated at San Francisco, California, this 13th day of September, 1939.

Frank D. Miller

W. H. Ball

Justus J. Casper
COMMISSIONERS