

Decision No. 33487

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY, a)
corporation, for a certificate of)
public convenience and necessity to) Supplemental Application
operate motor vehicles for the trans-) No. 18315
portation of property over the public)
highways between Marina and Camp Ord,)
United States Military Reservation,)
Monterey County, California.)

ORIGINAL

BY THE COMMISSION:

SUPPLEMENTAL OPINION

In this supplemental application Pacific Motor Trucking Company seeks a certificate authorizing the establishment and operation of a highway common carrier service between Marina and the Marina Gate at Camp Ord, as an extension and enlargement of the highway common carrier service heretofore authorized by the Commission in its Decision No. 26738, dated January 15, 1934 as amended by Decision No. 27089, dated May 21, 1934, both in the original application herein as amended. The proposed service, if authorized, will be operated in connection with the rail service of the Southern Pacific Company under joint rate arrangements.

Applicant is now providing a highway common carrier service between Pacific Grove, Monterey, Watsonville, Watsonville Junction, Castroville and Salinas serving Gigling and Marina as well as other intermediate points in the territory involved. It is stated that the distance between Marina and Marina Gate at Camp Ord is approximately 3½ miles.

As justification for the authority sought applicant avers as follows:

"The Federal Government is now engaged in the construction of group housing facilities and other improvements in Camp Ord in connection with the United States Army expansion program. There is an immediate need for a coordinated rail-truck common carrier service for the purpose of transporting material and supplies between Marina and Camp Ord in connection with such construction work. Such service will be permanently necessary to serve the freight transportation requirements of the military establishment which will be permanently located at Camp Ord."

Highway Transport, Inc., the only other highway common carrier now serving the territory involved, has informed the Commission in writing, under date of July 3, 1940, that it will not oppose the granting of the authority herein sought. It appears that a public hearing is unnecessary and that the application should 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.

SUPPLEMENTAL ORDER

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 service as a highway common carrier, as that
term is defined in Section 2-3/4 of the Public Utilities Act,
between Marina and Camp Ord via the Marina Gate entrance to
Camp Ord over the Marina-Hilltown road, for the transportation
of property which has had either a prior movement or is to have
a subsequent movement over the rails of the Southern Pacific
Company. Such service shall be performed as an extension and
enlargement of the operative right heretofore created by the
Commission's Decision No. 26738, dated January 15, 1934, as
amended by Decision No. 27089, dated May 21, 1934, both in Appli-
cation No. 18315.

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

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective 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 upon not less than five (5) 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 satisfactory to the Railroad Commission; or, in the alternative, applicant shall participate in a tariff or tariffs filed by the Southern Pacific Company, such participation to conform with the foregoing conditions with reference to tariffs.

4. Applicant shall file, in triplicate, 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 (5) 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.

7. 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.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 22nd day of September, 1940.

Ray & Riley,
Frank D. Walker,
Robert A. [unclear]
H. Baker,
Justus J. Quemer,
COMMISSIONERS