

Decision No. 33773

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the PACIFIC MOTOR TRUCKING COMPANY
for a certificate of public convenience
and necessity for the transportation
of mail, express, baggage, milk and
cream by motor truck, between Davis
and Gerber, via Woodland and Willows,
and all intermediate points, and between
Sacramento and Gerber, via Roseville,
Marysville and Chico, and all inter-
mediate points in California.

Application No. 23892

BY THE COMMISSION:

OPINION

The above numbered application filed by the Pacific Motor Trucking Company seeks a certificate of public convenience and necessity to establish a motor truck service as a common carrier for the purpose of transporting mail, express, baggage, milk and cream between Davis and Gerber via Woodland and Willows and all intermediate points, and between Sacramento and Gerber via Roseville, Marysville and Chico and all intermediate points.

Because of the National Defense Program, Southern Pacific Company is faced with extraordinarily heavy movements of passengers and all types of property both north and southbound between San Francisco, California, and Portland, Oregon, as well as to points beyond said termini. This unprecedented movement is so congesting the railroad with extra trains that at times it is difficult, if not impossible, to maintain passenger train schedules. Interruption of passenger train schedules results in complaints by patrons of the passenger trains and also interferes with the operation of freight trains. It is estimated that from

46 minutes to 81 minutes are consumed by passenger trains handling head-end traffic on the rail line between Davis and Gerber and a similar estimate on the line between Sacramento and Gerber estimates this time consumed at between 49 minutes and 84 minutes. Obviously the situation could be helped if the passenger trains were relieved of the necessity of handling mail, parcel post, baggage, express, milk and cream at the various stations on these two routes, and applicant is ready, willing and able to furnish such emergency trucking service as a substitute for that now provided by train in the territory involved. Although there are a number of common carriers now operating in the general area involved herein, we do not believe that the issuance of a certificate as sought in the instant application would in any way adversely affect the existing carriers, for the reason that it is applicant's intention only to transport those commodities now normally handled on the passenger trains of Southern Pacific Company. These commodities will be handled from and to Southern Pacific stations, as is presently the case with the passenger train service. In view of this fact it would appear 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 as 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 service as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, for the transportation of mail, express, baggage, milk and cream between Davis and Gerber, via Woodland and Willows and all intermediate points, and between Sacramento and Gerber, via Roseville, Marysville and Chico and all intermediate points, over the routes described in Exhibit "C" attached to the application.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Pacific Motor Trucking Company for an automotive service as a highway common carrier, over and along the routes described in Exhibit "C" attached to the application, subject to the following conditions:

- (1) Applicant shall file written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall provide the service herein authorized within a period not to exceed thirty (30) days from the effective date hereof and shall file, in triplicate, and concurrently make effective, on not less than one (1) day's 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 contained in existing tariff or tariffs.
- (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 one (1) day's notice to the Railroad Commission and the public, a time schedule or time schedules as attached to the application, covering the service herein authorized, in a form satisfactory to the Railroad Commission.

- (4) The certificate herein granted is for a period of one hundred and eighty (180) days from the date of commencement of the service, unless sooner cancelled, changed or extended.
- (5) The commodities handled by the service herein authorized shall be restricted to mail, express, baggage, milk and cream, and points of delivery and receipt of commodities shall be confined to those stations at which such delivery and receipt are now made by the existing rail service of Southern Pacific Company or Railway Express Agency.
- (6) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or assigned, unless written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.
- (7) 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.
- (8) 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 the date hereof.

Dated at Los Angeles, California, this 30th day of December, 1940.

Ray & Ricey

J. J. Baker

Justus D. Cameron
Commissioners.