

**ORIGINAL**Decision No. 35585

## 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 for )  
 the transportation of property by )  
 motor truck between Camp San Luis ) Application No. 24386  
 Obispo and Morro Bay, California, as )  
 an extension and enlargement of its )  
 existing rights between Metz and )  
 Camp San Luis Obispo. )

E. L. VAN DELLEN, JR. and FRANK X. VIEIRA  
 for applicant, and Southern Pacific  
 Company, Intervener on behalf of  
 applicant.

DOUGLAS BROOKMAN and REGINALD L. VAUGHAN,  
 for Valley and Coast Transit Company  
 and Coast Line Express, protestants.

BY THE COMMISSION:

O P I N I O N

In the above-entitled application, Pacific Motor Trucking Company, a corporation, requests a certificate of public convenience and necessity authorizing the establishment and operation of a highway common carrier service between Camp San Luis Obispo and Morro Bay, including authority to serve the area within a radius of one mile from the United States Post Office at Morro Bay. The proposed service is particularly designed to serve a projected naval base at Morro Bay. The project is known as Morro Bay Small Craft Naval Base.

Public hearing was had in this matter before Examiner Paul on November 26, 1941 and March 25, 1942, at San Luis Obispo and on April 14, 1942, at San Francisco. The matter, having been submitted, is now ready for decision.

The only opposition to the granting of this application was that of Valley and Coast Transit Company, a highway common carrier, and Coast Line Express, an express corporation. Immediately prior to submission of this matter protestants withdrew opposition to the granting of the application upon a stipulation entered into between the parties under which the application is modified and amended to provide that the only traffic transported would be that consigned to or originating at the Morro Bay Naval Base provided that no traffic should be transported locally between San Luis Obispo and Morro Bay Naval Base nor to or from the town of Morro Bay other than to or from the naval base development therein. Evidence was adduced from public witnesses by applicant and interested parties. It was shown that the United States Government is undertaking the construction of a naval base at Morro Bay. At the present time a contract has been let and work is proceeding, preparing land for the construction of buildings and base facilities. It was further shown that the primary project and a pending project involve expenditures for the general improvement of the bay, providing breakwaters, basins and channels, shore facilities, etc. It was also shown that applicant is receiving shipments destined to the naval base which during the development of work there will require a more expeditious handling than is now available.

After full consideration of this record, we are of the opinion, and so find, that public convenience and necessity require the granting of the authority requested as modified by the stipulation between the applicant and protestant. The order will so provide.

O R D E R

A public hearing having been held, the Commission now being fully informed, and it being found that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity be and it hereby is granted to Pacific Motor Trucking Company, a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined in section 2-3/4 of the Public Utilities Act, between Camp San Luis Obispo and Morro Bay Small Craft Naval Base, at Morro Bay, as an extension and enlargement of the operative right heretofore created by Decision No. 33778, dated January 3, 1941, on Application No. 23793, subject to the provisions that no local traffic may be handled between San Luis Obispo and the naval base nor may any traffic be handled to or from the community of Morro Bay other than to or from the naval base therein.

Pacific Motor Trucking Company, its successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that operations pursuant to the foregoing certificate shall be conducted subject to the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.

2. Applicant shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct said operations over and along the most appropriate route or routes between the points herein authorized to be served.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of July, 1942.

Justus J. Casner  
Ray H. Riley  
W. H. K.  
Francis L. Havener  
Richard Kachsa  
COMMISSIONERS