

Decision No. 35960

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 )  
operate motor vehicles for the )  
transportation of property by motor )  
truck between San Jose, Agnew, Alviso )  
and Milpitas, California, and for )  
consolidation with the present )  
operative rights between Oakland, )  
Livermore and San Jose, California. )

ORIGINAL

Application No. 25271

BY THE COMMISSION:

O P I N I O N

The applicant, Pacific Motor Trucking Company, a subsidiary of Southern Pacific Company, now operates between Oakland and San Jose and intermediate rail points a service as a highway common carrier (as defined by section 2-3/4, Public Utilities Act), auxiliary to that provided by Southern Pacific Company in the conduct of its rail operations. The latter now serves this territory by rail; included among the points thus served are Elmhurst, Agnew, Alviso, Milpitas and Santa Clara. By this application, Pacific Motor Trucking Company seeks a certificate of public convenience and necessity, under section 50-3/4, Public Utilities Act, authorizing the establishment of service as a highway common carrier between San Jose, Agnew, Alviso and Milpitas and intermediate points, including also

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(1) The operative right of Pacific Motor Trucking Company, within this territory, was acquired pursuant to Decision No. 27549, rendered November 26, 1934, in Application No. 19706.

authority to provide store-door pickup and delivery service with the line-haul equipment used in this operation. Equipment suitable for the purpose and now available, would be used. Rates would be published conforming to the minimum rates prescribed by Decision No. 31606, as amended, in Case No. 4246; in addition, applicant would join with Southern Pacific Company in the publication of joint through rates. Express traffic would be handled for Railway Express Agency, Inc. Assertedly, this would result in operating economies to Southern Pacific Company and would provide an improved and a more expeditious service. This territory is also served, it is alleged, by Railway Express Agency, Inc. and by Highway Transport, Inc. Both of these carriers, our records show, have signified, in writing, that they would not oppose the granting of this application.

It appears there is a public need for the establishment of this service and, accordingly, the application will be granted. As requested, applicant will be authorized to operate over both the regular and the alternate routes described in the application. No public hearing appears to be necessary.

O R D E R

Application having been made as above-entitled; and the Commission being of the opinion and now finding that public convenience and necessity so require:

IT IS ORDERED as follows:

(1) 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 by section 2-3/4, Public Utilities Act, between San Jose, Agnew, Alviso and Milpitas and intermediate rail points, including the right to perform store-door pickup and delivery service at any and all of said points.

Said certificate is granted subject to the following conditions:

- (a) The service performed hereunder by Pacific Motor Trucking Company shall be limited to that which is auxiliary to or supplemental of, and it shall be co-ordinated and integrated with, the rail service of Southern Pacific Company. Applicant may also serve as an underlying carrier any express corporation authorized to operate between the points which applicant is herein authorized to serve.
- (b) Pacific Motor Trucking Company, its successors or assigns, may never claim before this Commission, or any court or other public body, a value for any purpose for the certificate herein granted in excess of the cost actually incurred by the original grantee thereof in securing said operative authority.

(2) That in the operation of said highway common carrier service, Pacific Motor Trucking Company shall comply with and observe 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 effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 79 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 the Commission to change or modify them at any time by further order, applicant shall conduct said highway common carrier operations over and along the following routes:

Regular Route:

(1) From Milpitas over California State Highway No. 9, to its junction with an unnumbered county road known as Santa Clara-Alviso Road; thence over said unnumbered county road known as Santa Clara-Alviso Road to its junction with an unnumbered county road known as Montague Road; thence over said unnumbered county road known as Montague Road to its junction with an unnumbered county road known as San Jose-Alviso Road; thence over said unnumbered county road known as San Jose-Alviso Road to its junction with U. S. Highway No. 101 to San Jose.

Alternate Routes:

- (1) Over unnumbered county road known as San Jose-Alviso Road from its junction with California State Highway No. 9 to its junction with unnumbered county road known as Montague Road.
- (2) Over unnumbered county road known as Santa Clara-Alviso Road from its junction with unnumbered county road known as Montague Road to its junction with U. S. Highway No. 101; thence over U. S. Highway No. 101 to its junction with unnumbered county road known as San Jose-Alviso Road.

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

Dated at Los Angeles, California, this 18<sup>th</sup> day of November, 1942.

~~CERTIFIED AS A TRUE COPY~~

~~Secretary, Railroad Commission of the State of California~~

*Ray L. Price*  
*L. G. Baker*  
*Francis R. Hayward*  
*Richard L. Asher*