

Decision No. 36577

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY, a)
corporation, for a certificate of)
public convenience and necessity to)
conduct motor truck service over U.S.)
Highway 299 and an unnumbered highway)
between Alturas, California, and the)
Oregon-California State Line.)

Application No. 25709

BY THE COMMISSION:

O P I N I O N

In this proceeding Pacific Motor Trucking Company, a corporation, and a wholly owned subsidiary of Southern Pacific Company, seeks a certificate of public convenience and necessity, under Section 50-3/4, Public Utilities Act, authorizing operation as a highway common carrier between Alturas and a point on the California-Oregon state line north of Hatfield, via Canby and Tule Lake, serving intermediate points, points within a zone extending laterally one mile on each side of the highways traversed, and all rail stations on the Southern Pacific rail line extending from Alturas to the California-Oregon state line north of Tule Lake. Authority also is sought to provide pickup and delivery service within the corporate limits of Alturas and within a one mile radius of stations at all other rail points.

Applicant, so it is stated, now holds a certificate of public convenience and necessity issued by the Interstate Commerce

(1) Between Alturas and the state line, the Southern Pacific rails closely parallel the highway over which applicant proposes to operate.

Commission authorizing operation as a motor vehicle common carrier between Alturas and the California-Oregon state line, over the route described, as a part of a more extensive interstate operative right. (2) Under this certificate, applicant is now engaged in the transportation of interstate commerce in this territory. Applicant proposes to handle on the trucks used in its interstate operations the intrastate traffic which now moves via the Southern Pacific between Alturas and the state line, substituting its service for the less-than-carload rail service. Though Southern Pacific Company would effect no tangible rail operating economies, the handling of the traffic would be expedited, so applicant alleges, and the shipping public would be benefited.

The common carriers now serving points within this territory do not oppose applicant's proposal. Written waivers, signed by Oregon-Nevada-California Fast Freight, Inc. and Oregon-California and Nevada Stages, accompany the application. The application, accordingly, will be granted. This is not a matter in which a public hearing is required.

Pacific Motor Trucking Company is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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

(2) Pacific Motor Trucking Co. - Merger - Pacific Truck Express,
MC-F-1880, 38 M.C.C. 687.

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

Application having been made as above entitled; and the Commission 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 operation as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, between Alturas and a point on the California-Oregon state line north of Hatfield, via Canby and Tule Lake, serving intermediate points, all points within a zone extending laterally one mile of each side of the highways traversed, and all stations on the railway line of Southern Pacific Company extending from Alturas to the California-Oregon state line north of Tule Lake, including also the right to perform store-door pickup and delivery service within the corporate limits of Alturas and within a one mile radius of rail stations at all other points served by said railway line.

Said certificate is granted subject to the following condition:

The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that Pacific Motor Trucking Company, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such rights.

(2) That in the operation of said highway common carrier service, applicant 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. 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 it at any time by further order, applicant shall conduct said highway common carrier operations over and along the following route:

From Alturas via U. S. Highway No. 299 to junction with unnumbered highway approximately one mile west of Canby; thence over said last-named highway, via Copic, Staley, Stronghold, Tule Lake and Hatfield to the point where it intersects the California-Oregon state line, approximately one mile north of Hatfield.

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

Dated at San Francisco, California, this 31st day of August, 1943.

Francis J. Stevenson
M. J. P. M.
Richard P. Hulse
Thomas A. O'Connell
 COMMISSIONERS