

Decision No. 36977

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC MOTOR TRUCKING COMPANY for a )  
certificate of public convenience and )  
necessity to operate motor vehicles )  
over the public highway between the )  
stations of Tracy and Merced, Tracy )  
and Los Banos, and between Fresno and )  
Dos Palos, on the line of the Southern )  
Pacific Company. )

Application No. 19598  
Tenth Supplemental

BY THE COMMISSION:

**ORIGINAL**

TENTH SUPPLEMENTAL OPINION

In the above-entitled supplemental application Pacific Motor Trucking Company seeks authority to establish and operate a highway common carrier service to and from Herndon, a non-agency station located on Southern Pacific Company's rail line in Fresno County, and points within a radius of one mile of said station on a route over which applicant now operates motor vehicles under its existing operative rights between Fresno, Madera, Tracy and other points. <sup>(1)</sup> Herndon is situated between Fresno and Madera.

The reasons urged in support of the application are that Pacific Gas and Electric Company maintains and operates a sub-station at Herndon which sub-station is now being rehabilitated and enlarged to serve the increased war industries in the vicinity of Herndon. This construction work requires building materials and supplies much of which is moving in less-than-carload shipments, and there now exists an urgent need for this transportation service.

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(1) Decision No. 27744, in Application No. 19598.

It is asserted that no freight agent is stationed at Herndon and that no contract drayman is available to perform pickup and delivery of less-than-carload rail shipments; that applicant is now performing line-haul and pickup and delivery service on its less-than-carload shipments at other stations on this route and applicant proposes to render similar service at Herndon.

The authority sought herein appears to be in the public interest and will be granted. No public hearing is necessary. Permission will be granted to applicant to serve Herndon and the territory within a radius of one mile thereof subject, however, to the limitations imposed by Decision No. 27744, as amended, in the original application herein, except as modified herein.

Valley Motor Lines, Inc., which is the only other highway common carrier serving Herndon, has signified that it has no objection to the granting of this application.

Pacific Motor Trucking Company is hereby 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 at any time by the State which is not in any respect limited to the number of rights which may be given.

TENTH SUPPLEMENTAL ORDER

Good cause appearing,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Pacific Motor Trucking Company

to establish and operate a highway common carrier service, as that term is defined by section 2-3/4 of the Public Utilities Act, between Fresno and Herndon and points within a radius of one (1) mile of the Southern Pacific Company rail station at Herndon, as an extension and enlargement of and consolidated with the operative right heretofore created by the Commission's Decision No. 27744 and subject to the limitations contained in said decision, except as herein modified

IT IS FURTHER ORDERED that Pacific Motor Trucking Company in providing service pursuant to the foregoing certificate, 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 tables 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.

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

Dated at San Francisco, California, this 4<sup>th</sup> day of April, 1944.

Richard R. Rabe  
Arthur F. Craven  
Francis L. Havens  
Francis L. Rabe  
James L. Rabe  
COMMISSIONERS