

Decision No. 37257

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 )  
operate motor vehicles for the trans- )  
portation of property over the public )  
highways between Lone Pine, Searles )  
and Mojave, California, and to con- )  
solidate such operations with existing )  
operations between Lone Pine, Lone Pine )  
Station and Benton, California )

Application No. 23203  
1st Supplemental

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

Pacific Motor Trucking Company, a corporation and a wholly owned subsidiary of Southern Pacific Company, now provides a highway common carrier service between Lone Pine and Mojave and certain specified intermediate rail stations of Southern Pacific Company between those points. This service is auxiliary to and supplemental of the rail service of Southern Pacific Company and is restricted to traffic which has had a prior or is to have a subsequent rail movement in addition to the movement by applicant. Pickup and delivery service at each of the points served is authorized pursuant to the provisions of Decision No. 33759.

In this first supplemental application Pacific Motor Trucking Company requests a certificate to provide a highway common carrier service between Inyokern and Inyokern Naval Ordnance Test Station as an extension and enlargement of the certificate granted by said Decision No. 33759. Inyokern is a rail station of Southern Pacific Company presently served by applicant under the operative right above referred to. Inyokern Naval Ordnance

Test Station is an off-rail point approximately nine miles easterly of Inyokern. Applicant also requests that Decision No. 33759 be amended to provide that the prior or subsequent rail-haul restriction contained in said decision shall not apply to shipments moving between Inyokern and Inyokern Naval Ordnance Test Station, on the one hand, and Lone Pine and points north of Lone Pine, on the other hand. Applicant proposes to publish and file tariffs which will set forth rates no lower than the minimum rates prescribed by the Commission in Decision No. 31606, as amended in Case No. 4246.

In support of the authority sought applicant states in substance that there is a substantial volume of traffic destined to Inyokern and Inyokern Naval Ordnance Test Station originating with local merchants at Lone Pine and points north thereof. Applicant has been informed that there is an urgent need for the proposed service, since construction at the Test Station is under way and has resulted in increased activity at Inyokern. The application states that the project manager at the Test Station has informed applicant that there appears to be a need for delivery service to the Test Station of the various commodities consigned thereto through the station at Inyokern.

Western Truck Lines, Ltd., a highway common carrier provides a service between Los Angeles, Lone Pine, Bishop and Reno, including Inyokern and Inyokern Naval Ordnance Test Station, subject to certain restrictions which do not affect the points involved herein. It has informed the Commission in writing that it does not object to the granting of the application in so far as it proposes to extend service from Inyokern to the Test Station. However, it does object to a modification of the restriction in

applicant's present operative right between Lone Pine and Mojave which prohibits applicant from transporting any shipments except those which have had a prior or will have a subsequent rail movement.

The reasons stated in the application for a modification of the prior or subsequent rail haul restriction are, in our opinion, not justifiable. Traffic moving between Lone Pine and points north thereof, on the one hand, and Inyokern, on the other hand, can receive rail movement and be delivered by applicant under its presently held certificate. The shipments moving between those points and the Test Station can be transported by applicant under the authority hereinafter granted. In our opinion the application should be granted authorizing service between Inyokern and the Inyokern Naval Ordnance Test Station only. According to the information set forth in the application and the exhibits attached thereto this would meet the need of the Test Station.

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 at any time by the State, which is not in any respect limited to the number of rights which may be given.

FIRST SUPPLEMENTAL ORDER

Good cause appearing,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Pacific Motor Trucking Company, a corporation, authorizing the establishment and operation of service as a high-way common carrier between Inyokern and Inyokern Naval Ordnance Test Station as an extension and enlargement of the operative right heretofore created by Decision No. 33759, subject to the following restrictions:

- (a) The service herein authorized shall be limited to that which is auxiliary to or supplemental of the rail service of Southern Pacific Company, and as underlying carrier for any express corporation duly authorized to operate between the foregoing points.
- (b) Shipments transported by applicant shall be limited to those which, in addition to movement by motor vehicle, shall have either an immediately prior or an immediately subsequent movement over the rails of Southern Pacific Company.

(2) That in providing service pursuant to the certificate herein granted, 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, appropriate 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 by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Over and along the county road between Inyokern and Inyokern Naval Ordnance Test Station.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of August, 1944.

Richard K. Lach  
Justin F. Gaumer  
Francis R. Havenner  
Howard C. ...  
James H. ...  
COMMISSIONERS