

Decision No. 37277

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Supplemental )  
Application of PACIFIC MOTOR TRUCKING )  
COMPANY for Certificate of Public )  
Convenience and Necessity to Operate )  
Motor Truck Service as a Common Carrier )  
between Los Angeles and San Gabriel, )  
California. )

ORIGINAL

Application No. 21083  
First Supplemental

R. E. WEDEKIND and WILLIAM MEINHOLD  
by WILLIAM MEINHOLD, for Applicant

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

Pacific Motor Trucking Company, a corporation, by its first supplemental application requests the Commission to grant to it a certificate of public convenience and necessity authorizing a highway common carrier service between Los Angeles and San Gabriel, subject to certain limitations and restrictions as hereinafter set forth. A public hearing was held thereon before Examiner Paul at Los Angeles on June 30, 1944. The matter having been submitted, it is now ready for decision.

Among the numerous operative rights now held by applicant is one created by the Commission's Decision No. 34274 which authorized highway common carrier service between Los Angeles, on the one hand, and Glendale, Burbank and Alhambra, on the other hand,

(1)  
subject to certain limitations and restrictions. It is proposed that these limitations and restrictions be made to apply to the certificate sought between Los Angeles and San Gabriel. San Gabriel lies easterly of and is contiguous to Alhambra.

Under applicant's plan of operation, it proposes to transport less-than-carload freight traffic of Southern Pacific Company and Pacific Electric Railway Company, hereinafter referred to as the railways, between Los Angeles and San Gabriel. It was shown that the rules of the Office of Defense Transportation prohibit the railways from transporting less-than-carload rail freight traffic where it averages less than a ton a day as it does between Los Angeles and San Gabriel. This traffic is presently line-hauled

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(1) Such limitations and restrictions are as follows:

- "A. The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of the rail service of the Southern Pacific Company and Pacific Electric Railway Company, or either of them.
- "B. Applicant shall not render service to or from, nor interchange traffic at, any point not a station on the rail lines of the Southern Pacific Company or Pacific Electric Railway Company.
- "C. Applicant shall be limited to the transportation of shipments which it receives from or delivers to the Southern Pacific Company and Pacific Electric Railway Company, or either of them, and to shipments which it transports for express corporations. All of said shipments shall receive, in addition to the movement by applicant, a prior or a subsequent movement by rail, except that traffic originating at Los Angeles destined to either Alhambra, Burbank, or Glendale, or vice versa, shall be transported only to Alhambra, Burbank, or Glendale on applicant's first morning schedule and transported from Alhambra, Burbank or Glendale to Los Angeles only on applicant's first afternoon schedule.
- "D. Applicant may render store-door pickup and delivery service at the points hereinabove named only within the pickup and delivery zones for each respective point as described and published in the tariff or tariffs of the Southern Pacific Company and Pacific Electric Railway Company, respectively, currently on file with this Commission and in effect."

by Pacific Freight Lines. This requires applicant to transport these shipments between the Los Angeles depots of the railways, on the one hand, and Pacific Freight Lines, on the other hand. Applicant's truck used in this service performs line-haul operations for less-than-carload traffic of the railways between Los Angeles and Alhambra and operates empty between Alhambra and San Gabriel to perform pickup and delivery service for the rail traffic line-hauled by Pacific Freight Lines. From evidence introduced, it was shown that prior to November 1941 local pickup and delivery service at San Gabriel of less-carload freight shipments was accomplished through an arrangement with a local contract drayman. Subsequent to such date local pickup and delivery service at San Gabriel for this traffic has been performed by applicant.

Evidence adduced from public witnesses shows that under the present arrangement, shipments consigned over the facilities of the railways from Los Angeles to San Gabriel now require from three to seven days for delivery. It was shown that under applicant's proposed plan of operation, next day delivery of such shipments would be made.

No one appeared in opposition to the application.

Upon a full consideration of the evidence of record, we find that public convenience and necessity require the establishment and operation of the proposed service, subject to the same limitations and restrictions herein above referred to.

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.

FIRST SUPPLEMENTAL ORDER

A public hearing thereon having been had, evidence adduced, the matter submitted and it having been found that public convenience and necessity so require;

IT IS ORDERED 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 highway common carrier, as defined in section 2-3/4 of the Public Utilities Act, between Los Angeles, on the one hand, and San Gabriel, on the other hand, as an extension of and consolidation with the certificate granted by Decision No. 32474, subject to the following restrictions:

- A. The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of the rail service of the Southern Pacific Company or Pacific Electric Railway Company.
- B. Applicant shall not render service to or from, nor interchange traffic at, any point not a station on the rail lines of the Southern Pacific Company or Pacific Electric Railway Company.
- C. Service by applicant shall be limited to the transportation of shipments which it receives from or delivers to Southern Pacific Company or Pacific Electric Railway Company, or to shipments which it transports for express corporations. In addition to the movement by applicant, all of such shipments shall receive a prior or a subsequent movement by rail, except that traffic originating at Los Angeles destined to San Gabriel shall be transported only on applicant's first morning schedule and traffic moving from San Gabriel to Los Angeles shall be transported only on applicant's first afternoon schedule.

- D. Applicant may render store-door pickup and delivery service at the points hereinabove named only within the pickup and delivery zones for each respective point as described and published in the tariff or tariffs of the Southern Pacific Company and Pacific Electric Railway Company, respectively, currently on file with this Commission and in effect.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate, 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 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 within 60 days from the effective date hereof and on not less than 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 14<sup>th</sup>  
date of August 1944.

Richard L. Larkin  
Justus F. Craven

Thomas D. ...  
Frank J. ...  
COMMISSIONERS