

Decision No. 37299

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 )  
authorizing service as a common )  
carrier of property by motor vehicle )  
in pickup and delivery service between )  
Long Beach and Signal Hill, California.)

Application No. 26222

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

Pacific Motor Trucking Company, a subsidiary of Southern Pacific Company, seeks a certificate of public convenience and necessity under Section 50-3/4, Public Utilities Act, authorizing the establishment of a highway common carrier service between Long Beach and Signal Hill designed to provide a pickup and delivery service for less-than-carload traffic moving under through tariffs of Southern Pacific Company, Pacific Electric Railway Company, Railway Express Agency, Inc. and Pacific Motor Trucking Company, to and from the Long Beach pickup and delivery zone.

Applicant currently conducts a pickup and delivery service at Long Beach for Southern Pacific Company and Pacific Electric Railway Company, using for that purpose truck equipment maintained at Long Beach and used in line-haul service for the transportation of interstate shipments. The service is confined to less-than-carload shipments originating at or destined to Long Beach, and moving under tariffs of the rail carriers mentioned providing for store-door pickup and delivery service. For interstate traffic, the Long Beach pickup and delivery zone includes the adjacent municipality of Signal Hill. As to intrastate traffic, Pacific

Electric, Southern Pacific and Union Pacific Railroad Company have been authorized to include Signal Hill within the Long Beach zone, (1) for rate making purposes. In the present proceeding, applicant would transport no shipments locally between Long Beach and Signal Hill. The service would be performed under joint rates, through contractual arrangements, or by such other method as the Commission may approve. No regular routes would be observed, and the service would be rendered on-call. Equipment adequate and suitable to provide the service is available. The Commission has been advised by the common carriers now serving the territory that they have no objection to the proposed operation.

In our judgment a public need exists for the establishment of the service and, accordingly, the application will be granted. This is not a matter requiring a public hearing.

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.

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(1) Such authority was granted by Decision No. 37231, rendered July 26, 1944, in Case No. 4246.

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 the establishment and operation of a service as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, between Long Beach and Signal Hill. Said certificate is granted subject to the following limitations:

- (a) The service performed hereunder by applicant shall be limited to the performance of a pickup and delivery service for less-than-carload traffic moving under through tariffs of Southern Pacific Company, Pacific Electric Railway Company, Railway Express Agency, Inc., and Pacific Motor Trucking Company to and from the Long Beach pickup and delivery zone, as defined in the published tariffs of Southern Pacific Company and Pacific Electric Railway Company, currently on file and in effect.
- (b) The service performed hereunder by applicant shall be limited to that which may be auxiliary to or supplemental of the rail service of Southern Pacific Company and of Pacific Electric Railway Company, and to service rendered as an underlying carrier for any express corporation authorized to operate between the points which applicant is herein authorized to serve.
- (c) Applicant's service shall be limited to the transportation of shipments which it may receive from or deliver to Southern Pacific Company and Pacific Electric Railway Company, and to shipments which it may transport as an underlying carrier for any express corporation, as provided in paragraph (b) hereof. All of said shipments shall receive, in addition to the trucking movement furnished by applicant, a prior or a subsequent movement by rail.

- (d) Any pickup and delivery service performed by applicant within the territory hereinabove described (other than that which may be conducted by applicant as an underlying carrier for any express corporation as herein provided) shall be conducted only under joint rates to be established between applicant and Southern Pacific Company or Pacific Electric Railway 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 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 any and all streets and highways, available for motor vehicle operations, between the points herein authorized to be served.

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

Dated at San Francisco California, this 29<sup>th</sup> day of August, 1944.

Richard L. Schaefer  
Justice J. Cassin  
Francis R. Havens  
Francis E. Clark  
James H. Dwyer  
COMMISSIONERS