

Decision No. 37304

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 be- )  
tween the stations of Tracy and )  
Merced, Tracy and Los Banos, and be- )  
tween Fresno and Dos Palos, on the )  
line of Southern Pacific Company. )

Application No. 19598  
11th Supplemental

**ORIGINAL**

BY THE COMMISSION:

ELEVENTH SUPPLEMENTAL OPINION

In the above entitled application Pacific Motor Trucking Company requests a certificate of public convenience and necessity authorizing the transportation of property by motor truck between Vernalis and Vernalis Field, including the right to perform pick-up and delivery service with line-haul equipment at each of said points, as an extension and enlargement of applicant's present service.

Pursuant to Decision No. 27744, as amended, applicant is authorized to establish and operate common carrier service by motor truck between Tracy, Madera and Fresno, and between various other points in the San Joaquin Valley, including the rail station of Vernalis, located approximately ten miles southeasterly of Tracy.

Vernalis Field is a United States Navy air base situated four miles southwesterly of Vernalis on a county highway. It is operated by the Navy Department as an auxiliary field in connection with Alameda Naval Air Station. The number of men assigned to the field is gradually increasing and it is estimated

that ultimately the personnel will approximate 2,500.

Applicant presently conducts operations daily, except Sundays and holidays, between Tracy and Los Banos, serving all intermediate points which are rail stations on the line of the Southern Pacific Company between those termini, including Vernalis.

The proposed operation will provide a through service on less-than-carload freight traffic interchanged with rail lines at Vernalis and other points. Applicant also proposes to transport all shipments offered for movement locally between Vernalis and Vernalis Field. The service, if established, will eliminate the necessity of the Navy Department operating its equipment between Vernalis and the Field, which operation will necessarily increase as the base expands to meet naval requirements.

The Commander of Vernalis Field urges the granting of the application in order to avoid the present necessity of dropping freight shipments at the General Store at Vernalis which does not have sufficient facilities to house such shipments until they can be picked up by government vehicles and taken to the Field.

Under the operation as proposed, trucks will call at Vernalis Field only in connection with regularly operated schedules between Tracy and Los Banos, and only when there is traffic to be discharged or received. The service will be accomplished with the same equipment now operating over State Highway No. 33, through Vernalis, without the need of additional equipment. There are no other certificated highway common carriers now serving Vernalis Field.

Applicant proposes to publish and file tariffs covering

service between Vernalis and Vernalis Field, which will set forth the minimum rates prescribed by the Commission in its Decision No. 31606, as amended, in Case No. 4246, and also to enter into joint through rates with Southern Pacific Company, its parent company.

In view of the record herein, it would appear that the proposed service is necessary and the application will be granted. A public hearing is not required.

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.

ELEVENTH SUPPLEMENTAL ORDER

Application having been made as above set forth, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That Pacific Motor Trucking Company is hereby granted a certificate of public convenience and necessity 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 Vernalis and Vernalis Field, as an extension and enlargement of the operative

right heretofore created by the Commission's Decision No. 27744.

(2) 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, appropriate tariffs and time tables 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 most appropriate route or routes 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. Baker  
Justus F. Coe  
Francis L. Havenner  
Franklin D. ...  
John H. ...  
COMMISSIONERS