

Decision No. 37352

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY, a cor-)
poration, for a certificate of public)
convenience and necessity to operate)
motor vehicles for the transportation)
of property over the public highways)
between Ventura, Ojai, Saticoy, Santa)
Paula and Oxnard, and intermediate)
points located on the rail lines of)
Southern Pacific Company, all in the)
State of California, and for the)
performance of store-door pick-up and)
delivery service with line-haul equip-)
ment within specified zones around)
said points.)

ORIGINAL

Application No. 23910
1st Supplemental

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

In this supplemental application, Pacific Motor Trucking Company, a corporation, requests a certificate of public convenience and necessity to operate as a highway common carrier between Santa Paula and Ojai over California State Highway No. 150 as an alternate route in addition to the route over which it presently operates.

By Decision No. 34810, dated December 2, 1941, applicant was authorized to operate as a highway common carrier between Ventura, Ojai, Saticoy, Santa Paula, Oxnard and points intermediate to those named which are located on the rail lines of Southern Pacific Company, and to perform store-door pickup and delivery service with line-haul equipment at such points. Such service was restricted to shipments which shall receive a prior or subsequent movement by rail, in addition to the movement by applicant.

The request for an alternate route is based on applicant's allegation that it will result in a saving of approximately 1,200 truck miles per year, or the equivalent of approximately 7,200 tire miles per year, in addition to economies in rubber and other equipment.

The proposed alternate routing is intended to serve as an operating convenience only, with no pick-up or delivery points to be served between Santa Paula and Ojai over that portion of the route. It is not proposed to serve any points other than those presently served by applicant and authorized in Decision No. 34810, nor will there be any diminution in service at any of the points now served.

No objection to the granting of the application has been brought to the attention of the Commission. Pacific Freight Lines and Asbury Transportation Company, the only carriers appearing in protest to the granting of the original application in this proceeding, have each advised the Commission that they have no objection to the granting of this supplemental application.

It is clear from the record herein that the proposed alternate routing will enable applicant to render an improved service and a more economical operation. The application will therefore be granted. There is no need for 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.

FIRST SUPPLEMENTAL ORDER

Application having been made in the above entitled matter, 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 authorizing the operation of a highway common carrier service, as that term is defined in Section 2-3/4 of the Public Utilities Act, between Santa Paula and Ojai, as an alternate route in addition to the routes over which applicant is authorized to operate by virtue of the Commission's Decision No. 34810, subject to the following condition:

The service herein authorized shall not include pickup or delivery service at any of the points intermediate between Santa Paula and Ojai.

(2) That Pacific Motor Trucking Company in providing service pursuant to the foregoing certificate, shall comply with and observe the following service regulations:

(a) 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.

- (b) 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.
- (c) 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 route:

Between Santa Paula and Ojai over
U. S. Highway No. 150.

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

Dated at San Francisco, California, this 26th day of September, 1944.

Justin F. Crueser
Francis R. Havenner
Francis D. ...
Wm. H. ...
COMMISSIONERS

CERTIFIED AS A TRUE COPY

Secretary, Railroad Commission
of the State of California