

Decision No. 37503

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 to:)
 operate motor vehicles for the trans-)
 portation of property over the public)
 streets and highways between the City)
 of Pittsburg, on the one hand, and)
 portions of the County of Contra Costa,)
 on the other, and to render store-door)
 pickup and delivery service within all)
 of said territory, comprising the)
 Pittsburg pickup and delivery zone.)

ORIGINAL

Application No. 26393

BY THE COMMISSION:

O P I N I O N

In this proceeding 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 a service as a highway common carrier between the City of Pittsburg, on the one hand, and nearby industrial plants and also Camp Stoneman, on the other hand. In addition to the line-haul operation, applicant proposes to perform a pickup and delivery service for Southern Pacific Company. The service provided would be limited to that which is auxiliary to or supplemental of rail service.

The plants to be served are those of Redwood Manufacturers, Columbia Steel Co., Pioneer Rubber Co., and Dow Chemical Co., situated east of Pittsburg; and also the plant of Shell Chemical Co., situated west of Pittsburg. Adjoining the latter plant on the south are the Enes Tract, Bellair Tract and Home Acres, which

fall within the area applicant proposes to serve. Camp Stoneman, a military installation, lies south of Pittsburg. A specific description, by metes and bounds, of the territory to be served appears in the application.

Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and Sacramento Northern Railway, which now reach Pittsburg by rail, have sought authority, by supplemental application filed in Case No. 4246, to establish a pickup and delivery zone at Pittsburg co-extensive with the points which applicant now undertakes to serve as a highway common carrier. In the present proceeding, applicant proposes to perform, within this zone, a pickup and delivery service for Southern Pacific Company. By Decision No. 37479, rendered November 21, 1944, the carriers named were authorized to establish the pickup and delivery zone described, as sought by their supplemental application.

The operation for which a certificate is sought would be coordinated with rail operations in performing pickup and delivery service for Southern Pacific Company. This, it is alleged, would expedite the handling of less-carload traffic; and would afford Southern Pacific Company a method under which traffic of that character, transported by the railroad under store-door pickup and delivery rates applying from and to the Pittsburg pickup and delivery zone, could be collected and delivered within that zone.

The common carriers now serving the territory, it appears, have no objection to the granting of the application. The Commission has been so advised by The Atchison, Topeka and Santa Fe Railway Company, Sacramento Northern Railway, The River

Lines, California Motor Express, Ltd. and Valley Motor Lines.

In our judgment, a public need has been shown for the establishment of the service described and the application, accordingly, 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.

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 the City of Pittsburg,

on the one hand, and those portions of the County of Contra Costa hereinafter described, on the other hand (said City of Pittsburg and the latter areas being included within the pickup and delivery zone of Pittsburg, as shown in the published tariffs of Southern Pacific Company); and authorizing the performance of store-door pickup and delivery service within the city limits of Pittsburg, and within said areas, and each of them. Said areas or points are described as follows:

All of the City of Pittsburg, also from the intersection of Front Street and Dairy Road at the western city limits northwesterly along said road to its end and the territories bounded as follows:

From the east city limits at New York Slough, thence east following the waterfront to a point 1,000 feet east of Hooper Landing, westerly and southerly on Standard Oil Road to junction of County Highway and extension of East Third Street, continuing south on County Highway and Columbia Street to eastern city limits, westerly and northerly along city limits to the eastern city limits at New York Slough.

West from northwest corner of City Park on Ice House Road to junction of State Highway 4-24, including industries adjacent to this road; continuing west on Highway 4-24 to North Broadway, thence north to Southern Pacific tracks, west to a point opposite Alves Lane, south to Highway 4-24, thence west on Highway 4-24 to Mary's Avenue thence south on Mary's Avenue to Hill Road, thence east along Hill Road and County Road D-14, to Loftus Road, thence north on Loftus Road to junction of State Highway 4-24 and Loftus Road, thence returning via State Highway 4-24 and Ice House Road to northwest corner of City Park.

From the intersection of the southwestern city limits and Kirker Pass Road easterly along unnumbered County Road for a distance of 7,910 feet, southerly along an imaginary line to Central Valley Water Project Canal, westerly along said Canal to Kirker Pass Road, northerly along Kirker Pass Road to Point of beginning.

From the intersection of the eastern city limits and State Highway 4-24 easterly along State Highway 4-24 to a County Road D-1, northerly along County Road D-1 to The Atchison, Topeka and Santa Fe Railway right-of-way, easterly along said right-of-way for a distance of 1,572 feet, southerly along an imaginary line to State Highway 4-24, westerly along State Highway 4-24 to County Road D-1,

Said certificate is granted subject to the following limitations:

- (a) Any pickup and delivery service performed by applicant within the territory hereinabove described shall be conducted only under joint rates to be established between applicant and Southern Pacific Company.
- (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.
- (c) Applicant's service shall be limited to the transportation of shipments which may be received from or delivered to Southern Pacific Company, and which shall receive, in addition to the trucking movement furnished by applicant, a prior or a subsequent movement by rail.

(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 the Commission to change or modify such routes at any time by further order, applicant may conduct such highway common carrier operations over any and all available streets and public highways.

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

Dated at San Francisco, California, this 28th day of November, 1944.

Richard K. Lach
Justin F. Quisenberry
Francis R. Hovener
Frank W. Olson
Walter S. Russell
 COMMISSIONERS