

Decision No. 37661

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)
trucks over the public highways as)
a common carrier of property between)
Crockett and Calistoga and inter-)
mediate points.)

Application No. 21755
1st Supplemental

ORIGINAL

BY THE COMMISSION:

OPINION ON FIRST SUPPLEMENTAL APPLICATION

This is an application by Pacific Motor Trucking Company for a certificate of public convenience and necessity to operate motor trucks over the public highways as a common carrier of property between Crockett and Calistoga and intermediate points, and between Napa Y and the junction of State Highway 12 and U.S. Highway 40.

By virtue of Decisions Nos. 30613 and 30647, applicant is authorized to transport baggage, express, milk and cream in the custody of the Southern Pacific Company, Railway Express Agency, Incorporated, and other carriers of like class between Crockett and Vallejo and Calistoga and intermediate points which are rail stations on the line of Southern Pacific Company over and along the following route:

Between Crockett and Vallejo via Carquinez Bridge and State Highway No. 29; between Vallejo and Calistoga via State Highway No. 29; serving stations and/or depots of Southern Pacific Company, Railway Express Agency, Inc., and other carriers of like class and utilizing such other highways, roads or thoroughfares connecting State Highway No. 29 with the stations and/or depots of Southern Pacific Company, Railway Express Agency, Inc., and other carriers of like class.

Applicant also has operative rights, pursuant to Decision

No. 32414, for the transportation of property in the custody of Southern Pacific Company, Railway Express Agency, Incorporated, and any other carrier of the same class, between the railroad stations of Southern Pacific Company at Suisun-Fairfield, on the one hand, and Vallejo and Benicia, on the other hand, and intermediate stations on the line of Southern Pacific Company over and along the following route:

Between Suisun-Fairfield and Vallejo, via Cordelia and the American Canyon Route, and, optionally, via Benicia or by any combination of said routes.

The application before us for consideration requests authorization to provide motor truck service as a common carrier of property between Crockett and Calistoga and intermediate points which are rail stations on the line of Southern Pacific Company in lieu of the limited service which is authorized under Decisions Nos. 30613 and 30647. Coupled with this is a request to establish motor truck service as a common carrier of property between the junction of State Highway 29 and State Highway 12, known as the Napa Y, on the one hand, and the junction of State Highway 12 and U.S. Highway 40, on the other hand, including the right to perform pickup and delivery service with line-haul equipment at all of said points.

Proposed time schedules, as submitted with the appli-
(1)
cation, would be operated daily except Sundays and holidays.

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- (1) It appears that one round-trip daily is to be operated on the Suisun-Fairfield-Vallejo schedule leaving Suisun-Fairfield at 11:00 A.M. and returning at 3:10 P.M.; from Napa to the Y one round-trip, leaving Napa at 2:15 P.M. and returning at 3:00 P.M. but not serving Napa Y; between Vallejo and Crockett, one trip daily leaving Vallejo at 7:40 A.M. and returning at 11:00 A.M.; between Napa and Calistoga, a morning schedule leaving Napa at 5:30 daily, arriving at Calistoga at 7:00 A.M., leaving Calistoga on the return trip at 8:00 A.M. and arriving back at Napa at 10:00 A.M.

Applicant proposes to file tariffs which will set forth rates no lower than the minimum rates prescribed by the Commission in its Decision No. 31606, as amended, in Case No. 4246.

In justification of the granting of the authority herein sought, applicant alleges that it will permit transportation of property generally between the points involved, and will result in conservation of railroad equipment, facilities and manpower of Southern Pacific Company, the parent company of applicant, and that it will also permit that company to effect substantial economies in its operations. (2) It is further alleged that delivery of less-than-carload shipments will be expedited, and pickup and delivery service will be provided at sixteen rail stations where such service is not now furnished because of lack of available local draymen:

Presently operating common carrier service in the territory with which we are here concerned are Vallejo Express Company and Kellogg Express and Drayage Co. These carriers have advised the Commission by letter that they do not propose to object to the granting of the application.

Giving due consideration to this matter, we are of the opinion that the service which applicant proposes to render is in the public interest, and the application will, therefore, be granted. There appears no need for a public hearing.

(2) By way of supporting this statement, applicant submits an estimate showing a saving of \$6,933 in operation, broken down as follows:

Local crew overtime eliminated	\$4,031.00
Fuel oil	277.00
Merchandise car miles eliminated	1,107.00
Per diem on foreign cars used	1,518.00

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.

ORDER ON FIRST SUPPLEMENTAL APPLICATION

Application having been made as above entitled, and the Commission being duly advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Pacific Motor Trucking Company authorizing the establishment and operation of service as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, between Crockett and Calistoga, and between the junction of State Highway 29 and State Highway 12, known as Napa Y, on the one hand, and the junction of State Highway 12 and U.S. Highway 40, on the other hand, serving all intermediate points which are rail stations on the line of Southern Pacific Company, including the right to perform pickup and delivery service only within the pickup and delivery zones specified and provided in the tariffs of said carriers, presently in effect and on file with the Commission. Said

certificate is subject to the following limitation:

The service performed hereunder shall be limited to that which may be auxiliary to, or supplemental of the rail service of Southern Pacific Company:

(2) The certificate of public convenience and necessity heretofore granted by Decision No. 30613, as amended by Decision No. 30647, is hereby revoked and annulled.

(3) 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 them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Between Crockett and Vallejo via Carouinez Bridge and State Highway 29; between Vallejo and Calistoga via State Highway 29, between the junction of State Highway 29 and State Highway 12, known as the Y, on the one hand, and the junction of State Highway 12 and U.S. Highway 40, on the other hand, via State Highway 12; serving stations and/or depots of Southern Pacific Company, Railway Express Agency, Incorporated, and other carriers of like class and utilizing such other highways, roads or thoroughfares connecting State Highways 29 and 12 with the stations and/or depots of Southern Pacific Company, Railway Express Agency, Incorporated, and other carriers of like class.

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

Dated at San Francisco, California, this 6th day of February, 1945.

David Robinson
Justin F. Coenen
Richard Kach
Thomas W. Coyle
Frank Russell
COMMISSIONERS