

Decision No. 37851

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

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)
transportation of property over public)
highways within pickup and delivery)
limits of Lindsay, California.)

Application No. 19062
10th Supplemental

BY THE COMMISSION:

TENTH SUPPLEMENTAL OPINION

By its tenth supplemental application 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, to operate as a highway common carrier between the city of Lindsay, on the one hand, and, on the other hand, an area contiguous to the city limits lying between State Highway No. 65 and the western corporate boundary. In addition to the line-haul operation, applicant proposes to perform a pickup and delivery service for Southern Pacific Company. This authority is sought in order to provide service to the National Olive Products Company, which operates a plant for the manufacture of olive oil, situated within the proposed extended area. The service rendered would be limited to that which is auxiliary to or supplemental of the rail service provided by Southern Pacific Company in the performance of pickup and delivery of shipments moving under store-door rates and billing of Southern Pacific Company. The line-haul service would be performed either by applicant or by Southern Pacific Company under rates applying to and from Lindsay.

By decisions previously rendered in this proceeding, applicant was authorized to conduct a highway common carrier service between certain points, including Fresno and Lindsay, and to perform store-door pickup and delivery service within the Lindsay city limits (Decisions Nos. 27235, 30110, 31042, 31882 and 33599).

By Decision No. 37744, rendered March 20, 1945, in Case No. 4246, Decision No. 31606 was amended so as to extend the pickup and delivery limits at Lindsay to include the area mentioned above.

The common carriers now serving the territory, it appears, have no objections to the granting of the application. The Commission has been so advised by The Atchison, Topeka & Santa Fe Railway Company, Railway Express Agency, Incorporated, Valley Express Co., Pacific Freight Lines, and Coast Line Express.

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.

THIRD SUPPLEMENTAL ORDER

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 of the Public Utilities Act, between the city of Lindsay, on the one hand, and, on the other hand, points and places within the area hereinafter described, situated in the county of Tulare, lying west of and adjacent to said city of Lindsay (said city of Lindsay and the latter area being included within the pickup and delivery zone of Lindsay, 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 Lindsay and within said area. Said area is described as follows:

Beginning at intersection of western city limits of Lindsay, California, and State Highway No. 65, north-westerly along State Highway No. 65, to Tulare Avenue, easterly along Tulare Avenue to intersection of Tulare Avenue and western city limits, and southerly along western city limits to point of beginning.

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.

(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 1st
day of May, 1945.

L. Harold Anderson
Justus F. Coe
Richard L. ...
Francis ...
Walter ...
COMMISSIONERS