

Decision No. 37865

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROBERT SNOWDEN, an individual doing)
business as SNOWDEN'S RED LINE, for a)
certificate authorizing an enlargement)
of his pickup and delivery area in the)
Los Angeles District, and for an exten-)
sion of present service to and from)
Muroc Army Air Base, and for an in lieu)
certificate embracing said extensions.)

ORIGINAL

Application No. 26552

ARTHUR H. GLANZ, for applicant.

E. L. H. BISSINGER, for Southern Pacific Company and Pacific Motor Trucking Company, protestants.

H. P. MERRY, for Southern California Freight Lines and Southern California Freight Forwarders, protestants.

HUGH GORDON, for Pacific Freight Lines and Pacific Freight Lines Express, protestants.

DEWITT MORGAN MANNING, for P. H. Vernand and H. L. Norton, doing business as West Coast Drayage Company, interested party.

F. W. TURCOTTE, for Higgins Truck Lines, Inc., protestant.

ROBERT W. WALKER, for The Atchison, Topeka and Santa Fe Railway Company, interested party.

BY THE COMMISSION:

O P I N I O N

In its original form, this application requested a certificate authorizing (a) the enlargement of applicant's pickup and delivery area in the Los Angeles district, and (b) an extension of his present service between Lancaster and Muroc Army Air Base, including Muroc Test Flight Station.

Public hearings were held before Examiner Gannon in Los Angeles on March 21, and April 3, 1945, and the matter was submitted.

At the hearing, applicant amended his application by eliminating the Muroc Air Base proposal. We are, therefore, concerned only with the proposed extension of service within the Los Angeles commercial zone. This request was further restricted by amendment to the application, offered on the final day of hearing, so as to provide for a performance of service outside the city of Los Angeles, that is, that area defined by the Commission in Case No. 4121 as the Los Angeles Drayage Area which lies outside of the city of Los Angeles. The offer of this latter amendment resulted in the withdrawal of all protestants except Southern Pacific Company and Pacific Motor Trucking Company, which carriers, however, offered no evidence in support of their protests.

Applicant's present operations are those of a highway common carrier between Los Angeles and Lancaster, serving certain designated intermediate points. These rights were acquired by applicant pursuant to Decision No. 36999, dated April 11, 1944, and included the transportation of all commodities except milk, cream and dairy products.

In connection with the proposed enlargement of the pickup and delivery area, applicant will confine his service within said zone to freight moving to and from other points on his line. As outlined by applicant, the service, if authorized, would afford single-line responsibility to shippers and receivers of freight, would eliminate much of the delay incidental to the present transfer of shipments from other carriers to applicant's trucks and a reduction in loss and damage hazards. Applicant testified that he had complaints from shippers who protested delays in the transportation of their shipments to points in the Antelope Valley which is defined as a region in the vicinity of Lancaster. It would improve the service in

a great degree, he testified, were shipments handled exclusively by applicant instead of being picked up by another carrier and then transferred to Snowden's trucks. Other witnesses, among them business men from Antelope Valley, testified that aside from the objections set forth above the service of applicant was satisfactory.

With the proposed unified service it would not be necessary to hold shipments overnight. Lancaster, with a population of approximately 3,500, is the center of a farming community and the testimony showed there is a steady movement of shipments of farming implements and parts from Los Angeles to points in the Antelope Valley.

From the record before us we conclude that the proposed extension of service is in the public interest and that the application should be granted. The order which follows will be in accordance with that conclusion.

Robert Snowden 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 in the above entitled matter, a public hearing having been held, 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 Robert Snowden, an individual, authorizing the transportation of freight, other than milk, cream, dairy products and supplies, as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between those portions of Los Angeles County included within the boundaries described as Zones 1-A, 1-B, 1-C, 1-D, 10, 11, 12, and 17, which are attached to City Carriers' Tariff No. 4 and are included under Items Nos. 30, 31, 32 and 33, on the one hand, and Lancaster, Newhall, Saugus, Mint Canyon, Vincent, Harold and Palmdale, on the other hand.

(2) That in providing service, pursuant to the certificate herein granted, the following service regulations shall be complied with:

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 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 8th
 day of May, 1945.

A. Harold Anderson
Justice F. Craguer
Richard L. Lachar
Francis W. Cron
Isaac H. Howell
 COMMISSIONERS