

Decision No. 37938

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 Palo Alto,)
California.)

Application No. 25619
1st Supplemental

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

The first supplemental application of Pacific Motor Trucking Company, a corporation, seeks a certificate to operate as a highway common carrier between the city of Palo Alto, on the one hand, and, on the other hand, points and places in an area contiguous to the northerly corporate boundary of Palo Alto, the Palo Alto Airport, and a short extension from the eastern corporate boundary of Palo Alto on Middlefield Road.

Applicant proposes to render store-door pickup and delivery service, in the proposed extended areas, in connection with shipments it now transports to or from Palo Alto, or those transported by Southern Pacific Company to or from the same points. (1)

As justification for the authority sought, the application and the amendment thereto assert that pickup and delivery service is required by the following industries and businesses:

(1) By Decision No. 37826, in Case No. 4246, the Commission authorized Southern Pacific Company and Pacific Motor Trucking Company to extend Palo Alto rates to cover the same zones to and from which applicant proposes herein to extend its service.

Palo Alto Airport, Inc.	Aclo Mfg. Company
Unites States Veteran's	Technical Supply Co.
Administration Facility	Kessler's Hardware Store
Brierwood Corporation	East Palo Alto Food Market
Golden State Company, Ltd.	Bayshore Nursery
Fisher Research Laboratory	Werbein Pharmacy
Robert Garcia Well Drilling &	Buy and Save Market
Pump Co.	

Other common carriers of general commodities serving Palo Alto have advised the Commission that they have no objection to the granting of the application.

In our judgment public convenience and necessity has been shown to require the establishment of the proposed service which, accordingly, will be granted. No public hearing is necessary.

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 as above entitled, and the Commission finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Pacific Motor Trucking Company, a corporation, authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between Palo Alto and points and places adjacent thereto lying within the following described area:

Beginning at the intersection of the northwestern Palo Alto city limits and Middlefield Road, thence westerly along Middlefield Road to Ringwood Road, thence to Bay Road, thence to Bayshore Highway, thence southeasterly to the Palo Alto city limits at Embarcadero Road, thence along the northerly city limits of Palo Alto over a meandering course to the point of beginning at the junction of Middlefield Road and Palo Alto city limits. Over Embarcadero Road between its junction with the Palo Alto city limits at Bayshore Highway and the entrance to the Palo Alto Airport. Over Middlefield Road between its junction with the southeasterly city limits of Palo Alto and the plant of the Brierwood Corporation.

(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 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 60 days from the effective date hereof and on not less than 5 days' 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 any and all available public streets and highways, except that service to and from Palo Alto Airport and Brierwood Corporation shall be over Embarcadero Road and Middlefield Road, respectively.

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

Dated at San Francisco, California, this 29th day of March, 1945.

Harold Wilson
Justin J. Green
Richard L. Sachs
Frank W. Davis
Irving Lowell
COMMISSIONERS