

Decision No. 37974

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SANTA FE TRANSPORTATION COMPANY 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 Visalia, Exeter and)
Lindsay, California.)

ORIGINAL

Application No. 19030
2nd Supplemental

BY THE COMMISSION:

O P I N I O N

By its second supplemental application filed May 10, 1945, Santa Fe Transportation Company requests the Commission to authorize it to extend its highway common carrier operations to and from Visalia, Exeter and Lindsay, to include certain defined areas adjacent to each of such points in order to provide a pickup and delivery service for traffic of The Atchison, Topeka & Santa Fe Railway Company moving under applicable rail rates.

Decision No. 27234 granted a certificate to applicant, in substance, authorizing it to provide a highway common carrier service between certain railroad stations of the Santa Fe Railway in the San Joaquin Valley. Thereafter, by Decision No. 31042, applicant was authorized, in effect, to perform a store-door pickup and delivery service at all of such station points at the rail rates and only in the pickup and delivery zones provided for in the tariffs of the rail carriers in effect and on file with the Commission on the date of said Decision No. 31042, which was June 27, 1938.

It is asserted, in effect, that since the issuance of Decision No. 31042 the Commission has authorized the rail carriers

serving Visalia, Exeter and Lindsay to extend their pickup and delivery zones as a consequence whereof applicant requests authority to extend its pickup and delivery zones at these points to conform to the zones served by the rail carriers so that it may provide such service.

As justification therefor it is alleged as follows:

Applicant presently holds operating rights covering the transportation of property moving under rates and billing of The Atchison Topeka & Santa Fe Railway Company to and from Visalia, Exeter and Lindsay, California, including the right to perform store-door pickup and delivery service at all points and places within the city limits thereof. The proposed extension of pickup and delivery service at these points to include the areas adjacent to but outside the city limits thereof will enable applicant to use its line haul trucks in the pickup and delivery of shipments for the Railway Company in said areas at the rail rates and in the zones authorized by Decisions Nos. 33160, 34870 and 37744. The use of applicant's line haul trucks in said pickup and delivery service will provide an economical operation and will expedite the movement of the Railway Company's traffic. The cities of Visalia, Exeter and Lindsay have developed beyond the designated political boundaries thereof and said adjacent areas are actually a part of said communities. Shippers and receivers of freight located in said areas outside the said limits of Visalia, Exeter and Lindsay have requested that applicant's service be extended as proposed.

The application states that the following carriers serve in the area involved:

Coast Line Express
Pacific Freight Lines
Railway Express Agency, Incorporated
Southern Pacific Company
Pacific Motor Trucking Company
Visalia Electric Railroad Company
Valley Express Co.

Each of these carriers has informed the Commission in writing that it does not desire to protest the application.

In our judgment there is a public need for the proposed extension of operations and the authority sought should be granted. No public hearing is necessary.

Santa Fe Transportation 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

An application therefor having been filed 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 is hereby granted to Santa Fe Transportation Company, a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act.

(a) Between the city of Visalia, on the one hand, and, on the other hand, points and places in the areas adjacent to Visalia bounded as follows:

Beginning at the intersection of the northerly city limits and North East Street, thence northerly on North East Street to Reece Street, thence return to northerly city limits; beginning at the intersection of the easterly city limits and Houston Avenue, thence east on Houston Avenue to Ben Maddox Way, thence southerly on Ben Maddox Way to East Mineral King Avenue, thence westerly on East Mineral King Avenue to intersection of the eastern city limits, thence northerly along city limits to Houston Avenue.

(b) Between the city of Exeter, on the one hand, and, on the other hand, points and places in the areas adjacent to Exeter bounded as follows:

- (1) Beginning at the intersection of the southern city limits and Kaweah Avenue (State Highway 65), thence southerly along State Highway 65 to its intersection with the Southern Pacific Company right of way (approximately 1750 feet from point of beginning), thence northwesterly along Southern Pacific Company right of way to the southern city limits, thence easterly along southern city limits to point of beginning.
- (2) That area paralleling eastern city limits and extending easterly therefrom for a distance of 1150 feet.

(c) Between the city of Lindsay, on the one hand, and, on the other hand, points and places in the area adjacent to Lindsay bounded as follows:

Beginning at intersection of western city limits of Lindsay and State Highway 65, northwesterly along State Highway 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 limitation:

The service performed herein by applicant shall be limited to that which may be auxiliary to or supplemental of the rail service of The Atchison, Topeka & Santa Fe Railway 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 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 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 and along all available streets and public highways.

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

Dated at San Francisco, California, this 12th
day of June, 1945.

Howard Culver
Justin F. Casper
Richard Backus
Frank Olson
Samuel L. Kelle
COMMISSIONERS