

Decision No. 38017

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 O. G. STEELE, as Receiver of YREKA)
 WESTERN RAILROAD COMPANY, to enlarge)
 highway common carrier operations to) Application No. 26763
 a distance of five miles laterally)
 from the main highway between Fort)
 Jones, Greenview and Etna.)

ORIGINAL

BY THE COMMISSION:

O P I N I O N

O. G. Steele, receiver of Yreka Western Railroad Company, a corporation, is conducting a passenger stage and highway common carrier operation between Yreka and Etna and intermediate points via Fort Jones and Greenview over the main highway.

In the above entitled application the Commission is requested to issue a highway common carrier certificate which will permit applicant to deliver or pickup shipments at points within five miles laterally of applicant's route along the main highway between Fort Jones and Etna via Greenview.

Applicant proposes to publish and file tariffs which will establish rates no lower than the minimum rate prescribed by the Commission in Decision No. 31606, as amended.

In justification for the authority sought applicant asserts that he has ascertained that there is a need for the pick-up and delivery of freight laterally from the main route of operations to a distance of five miles therefrom and that no such service is now rendered by a common carrier. In support of this assertion the application states:

That applicant in the past has received many requests for off-highway delivery.

That the area served by applicant in Scott Valley, including Fort Jones, Greenview and Etna, is strictly a farming area. Many shipments of farming equipment are made direct to these various localities and it would be a convenience and is desired by the farmers to have such freight delivered at their farms.

That certain commodities of out-bound freight such as grain and wool could be moved more conveniently and economically to the farmers.

That applicant does not have suitable warehouse space at Fort Jones, Greenview or Etna to accommodate the storage and housing of such commodities and can not afford to rent or construct such facility nor can it afford to maintain a local agent to render this type of service.

In our judgment there appears to be a public need for the proposed extension of service and the authority sought should be granted. No other common carrier serves the points involved. No public hearing is necessary.

O. G. Steele, receiver of Yreka Western Railroad 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.

O R D E R

An application therefor having been filed, the Commission being fully informed and good cause appearing,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to O. G. Steele as receiver for the Yreka Western Railroad Company, a corporation, authorizing the establishment and operation of service as a highway common carrier between all points within five miles laterally of the main highway between Etna and Fort Jones via Greenview.

(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 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 10 days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 26th day of June, 1945.

Harold C. ...
Justice J. ...
Richard ...

...
 COMMISSIONERS