

Decision No. 38153

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOE WEST, doing business as NEEDLES)
TRUCKING SERVICE, for a certificate)
of public convenience and necessity)
to operate a highway common carrier)
service between Los Angeles,)
California, on the one hand, and)
Needles, California on the other,)
serving intermediate points east of)
Daggett, California for the duration)
of the national emergency and a)
reasonable period thereafter.)

ORIGINAL

Application No. 25970

BY THE COMMISSION:

O P I N I O N

By the above entitled application Joe West, doing business as Needles Trucking Service, requests the Commission to grant to him a certificate authorizing a highway common carrier service for the transportation of property, excepting bulk liquids in tank trucks, explosives and commodities requiring special equipment, between Los Angeles Zone 1, described in Item No. 30-A, as shown in Appendix "A" of the Commission's Decision No. 31605, Case No. 4246, on the one hand, and Needles, and points intermediate to Needles and Daggett, on the other hand. Applicant also proposes to serve a military installation at Freda which is about 70 miles north of Desert Center on an unnumbered highway between Desert Center and Needles. Such authority is sought for the duration of the war, and a reasonable time thereafter.

The proposed rates to be charged for such service would be the minimum rates heretofore established by the Commission. Service would be provided daily except Sundays and holidays. The application states that applicant has three tractors with

semi-trailers, and three trucks which would be used in the proposed service.

In support of the authority sought, applicant asserts that since 1940 he has been transporting property for hire as a highway contract carrier, as defined in the Highway Carriers' Act, for a limited number of shippers. During the last few months applicant has received many demands from shippers at Needles and at Los Angeles for service between these points which he refused as he had no certificate of public convenience and necessity. He has also received requests from the military authorities to transport shipments of merchandise from Los Angeles to Freda as well as to the Army Post Exchange at Needles.

The application states that The Atchison, Topeka & Santa Fe Railway Company and Railway Express Agency, Incorporated, are the only common carriers operating between points proposed to be served by applicant. Each of these carriers has informed the Commission in writing that it does not desire to offer a protest to the granting of the application, provided that such authority is limited to the duration of the war.

After a review of the request of applicant, with due consideration to the assertion that the present public transportation facilities are taxed beyond their capacities, it appears that there is a public need for the proposed service on a temporary basis. This congested situation results from war conditions which may be expected to terminate at the conclusion of the war. Therefore, in consonance with our position in Reader Truck Lines (Decision No. 38012), a certificate will be granted to applicant to terminate as of March 1, 1946, unless extended by further order of the Commission.

Joe West 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, and it being hereby found 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 Joe West authorizing the establishment and operation of service as a highway common carrier, as defined by Section 2-3/4 of the Public Utilities Act, for the transportation of property, except bulk liquids in tank trucks, explosives and commodities requiring special equipment, between Los Angeles, Zone 1, described in Item No. 30-A, as shown in Appendix "A" of the Commission's Decision No. 31605, Case No. 4246, on the one hand, and Needles and points intermediate to Needles and Daggett and also the military installation at Freda, on the other hand.

(2) That the certificate herein granted shall expire March 1, 1946, unless extended by further order of the Commission.

(3) That in providing service pursuant to the foregoing certificate, applicant shall comply with the following service regulations:

1. Applicant shall file an acceptance of the certificate herein granted within 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, tariffs and time tables satisfactory to the Commission 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 this Commission to change or modify them at any time by further order, applicant shall conduct operations over and along the following routes:

Over and along U.S. Highway 99 to Fontana Cut-off, thence along Fontana Cut-off and U.S. Highway 66 to Needles.

Over and along U.S. Highways 99, 60 and 70 to Desert Center, thence over and along an unnumbered public highway between Desert Center and Needles via Freda.

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

Dated at San Francisco, California, this 14th day of August, 1945.

L. Harold Rudman
Justice F. C. Brewer
Richard Radise
Howard Clark
Frank L. Moore
 COMMISSIONERS