

Decision No. 38299

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC MOTOR TRUCKING COMPANY, )  
a corporation, for a certificate of )  
public convenience and necessity for )  
the transportation of property by )  
motor truck between Westmorland and )  
Rancho De Anza, California. )

**ORIGINAL**

Application No. 26890

BY THE COMMISSION:

**O P I N I O N**

Applicant herein requests authority to establish motor truck service between Westmorland and Rancho De Anza. Westmorland is in Imperial County. Rancho De Anza is located in San Diego County about 50 miles west of Westmorland in what is known as Borego Valley. The application alleges that Di Giorgio Fruit Corporation is engaged in developing an agricultural project in the Borego Valley to be devoted principally to the raising of tomatoes and potatoes. The Valley comprises an area of some 50,000 acres of which approximately 1,500 acres have been acquired by the corporation. The application shows that a crew of about 60 men are employed, their activity being confined to clearing the land, constructing buildings, sinking wells for irrigating purposes, and planting. When harvest commences it is expected that the population in the Valley will reach approximately 200 persons. A resort hotel has been opened up and the project is being developed in other directions, all of a permanent nature.

Applicant asserts that there is an immediate and urgent necessity for common carrier service for the movement of products from points in the Borego Valley to railhead at Westmorland, and of

general supplies to the community from Westmorland and other Imperial Valley points, as well as beyond.

The proposed service would connect with applicant's terminus at Westmorland and extend in a westerly direction to Borego Valley, terminating at the Rancho on the northwesterly border of the Valley. It is proposed to transport inbound freight into the Valley, such as supplies of fertilizer, insecticide, small equipment, packing house supplies, and outbound freight will consist principally of the grown products. Applicant has available all necessary equipment, and proposes to file tariffs which will set forth rates no lower than the minimum rates prescribed by the Commission in Decision No. 21606, as amended, in Case No. 4246. Patrons of the service will be served "on call" and one daily round-trip schedule will be maintained, except on Sundays and holidays. Service includes all points within an area five miles laterally on either side of the highway, including the right to perform pickup and delivery service with line-haul equipment. Applicant avers that there are no other regular route common carriers of property now operating in the territory proposed to be served.

Upon a review of this matter we find that public convenience and necessity require the authorization of service as set forth hereinabove, and the application will be granted. A public hearing is not 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.

O. R. D. E. R.

Application having been made as above entitled, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Pacific Motor Trucking Company authorizing the operation of a highway common carrier service, as defined in Section 2-3/4 of the Public Utilities Act, between Westmorland and Rancho De Anza over a regular route described in Paragraph 3 of the service regulations, and over an alternate route as similarly described, including all points located within an area five miles laterally on each side of the highway, known as Yaqui Pass Road, extending from its junction with State Highway 78 via Borego to Rancho De Anza.

(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, pursuant to the certificate herein granted, over and along the following routes:

From Westmorland over U.S. Highway 99 to junction State Highway 78, thence over State Highway 78 to junction unnumbered highway sometimes known as Yaqui Pass Road, thence over said unnumbered highway via Borego to Rancho De Anza, and, as an alternate route, from the junction of State Highway 78 and an unnumbered highway near "The Narrows", over said unnumbered highway in a northerly direction to junction with another unnumbered highway sometimes known as Yaqui Pass Road, the area proposed to be served being between Westmorland, on the one hand, and, on the other hand, all points in Borego Valley, from the junction of State Highway 78 and Yaqui Pass Road, over an unnumbered highway via Borego to Rancho De Anza.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of October, 1945.

Edward Anderson  
Justin F. Coe

Francis Brown  
James L. ...  
 COMMISSIONERS