

ORIGINAL

Decision No. 56122

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PACIFIC MOTOR TRUCKING COMPANY to)	
sell and PACIFIC MOTOR TRANSPORT)	
COMPANY to purchase express operative)	Application No. 39435
rights acquired by Pacific Motor)	
Trucking Company from Pacific Freight)	
Lines Express and for revocation of a)	
portion of said rights.)	

C P I N I O N

Pacific Motor Trucking Company requests authority to sell and transfer to Pacific Motor Transport Company certain express operative rights acquired from Pacific Freight Lines Express pursuant to Decision No. 50908, dated December 28, 1954, and Pacific Motor Trucking Company further requests that certain other express rights so acquired be revoked.

Pacific Motor Trucking Company and Pacific Motor Transport Company allege that:

1. Pacific Motor Trucking Company operates as a highway common carrier as defined in Section 213 of the Public Utilities Code over the highways in the State of California in the territory generally between the Californic-Oregon boundary on the north and Tustin on the south and in the Imperial Valley, generally paralleling the lines of Southern Pacific Company and its subsidiary rail lines.
2. Pacific Motor Trucking Company operates as a radial highway common carrier pursuant to Permit No. 38-569, as a highway contract carrier pursuant to Permit No. 38-570, as a city carrier pursuant to Permit No. 38-5942, and as a petroleum irregular route carrier pursuant to operative rights acquired from Pacific Freight Lines in and by said Decision No. 50908.
3. Pacific Motor Transport Company operates as a radial highway common carrier pursuant to Permit No. 38-7239, as a highway contract carrier pursuant to Permit No. 38-7240, and as a petroleum contract carrier pursuant to Permit No. 38-7295.

4. With the exception of operating rights between Coachella and Camp Dunlap, via Niland, and between Brawley and Camp Dunlap, via Calipatria and Niland, covered by certificate of public convenience and necessity granted in and by Decision No. 35612 in Application No. 25013, the express operative rights herein involved are prescriptive rights, the basic operations thereunder having commenced prior to August 1, 1933.
5. Said express operative rights permit operations generally in the State of California extending from Fresno and San Luis Obispo on the north, to San Diego on the south, and California-Arizona border on the east.
6. Pursuant to authority contained in Decision No. 52112 of this Commission as amended in Application No. 35802 applicant Pacific Motor Trucking Company was authorized to suspend until October 1, 1957, the express operative rights herein involved and for that reason no operations are being conducted thereunder at the present time.
7. Applicants are affiliated companies and wholly owned subsidiaries of Southern Pacific Company.
8. It is their desire that the express operative rights acquired by Pacific Motor Trucking Company from Pacific Freight Lines Express be utilized, and that said express operative rights be transferred to Pacific Motor Transport Company in order to avoid confusion which might result from the use of such express operative rights in the name of Pacific Motor Trucking Company.

The consideration to be paid for the transfer of the express operative rights is the sum of \$100 with no tangible property being involved.

The Commission having considered the allegations of the application and the exhibits attached thereto finds and concludes that the proposed sale and transfer is not adverse to the public interest. Applicants' request for the revocation of the express rights as set forth in Appendix A attached hereto will also be granted. A public hearing is not necessary.

The action taken herein shall not be construed to be a finding of value of the rights sought to be transferred.

Pacific Motor Transport Company is placed on 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, such rights 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 as to the number of rights which may be given.

O R D E R

Application having been made, the Commission being fully advised in the premises and having found as hereinabove set forth,

IT IS ORDERED:

1. That Pacific Motor Trucking Company may sell and transfer, on or before 60 days after the effective date of this order, to Pacific Motor Transport Company the express operative rights acquired from Pacific Freight Lines Express pursuant to the provisions of Decision No. 50908 dated December 28, 1954, in Application No. 35802, such sale and transfer to be made substantially upon the terms and conditions of the agreement attached to the application marked Exhibit D, and said buyer may acquire said rights and operate thereunder.
2. That within 60 days after the effective date hereof, concurrently with the consummation of the transfer herein authorized, and on not less than 5 days' notice to the Commission and the public, applicants shall amend tariffs on file with the Commission naming

rates, rules and regulations governing the operation here involved and show that Pacific Motor Trucking Company has withdrawn and Pacific Motor Transport Company has adopted as its own, said rates, rules and regulations.

3. That in the event the authority herein granted is exercised, Pacific Motor Transport Company shall notify the Commission, in writing, of that fact within 30 days after the date of transfer.

4. That whatever operating rights may be possessed by applicants to serve the points named in Appendix A hereto are canceled, and that applicants are directed to amend their tariffs within 60 days after the effective date hereof and on not less than 5 days' notice to the Commission and the public to reflect such cancellation.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of January, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

APPENDIX A
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POINTS FROM AND TO WHICH EXPRESS
OPERATIVE RIGHTS ARE TO BE REVOKED

Alessandro, Riverside Co.	Guernsey, Kings Co.
Angiola, Tulare Co.	Gypsum, Orange Co.
Atwood, Orange Co.	Hedionda, San Diego Co.
Avocado, Fresno Co.	Higby, Tulare Co.
Blanco, Tulare Co.	Irvine, Orange Co.
Bowles, Fresno Co.	Ivy, Kern Co.
Box Springs, Riverside Co.	Jastro, Kern Co.
Cairns, Tulare Co.	Jofegan, San Diego Co.
Calgro, Tulare Co.	Kathryn, Orange Co.
Cardiff, San Diego Co.	La Mirada, Los Angeles Co.
Carlsbad, San Diego Co.	Lanare, Fresno Co.
Cecile, Fresno Co.	Las Flores, San Diego Co.
Chapman, Los Angeles Co.	Laton, Fresno Co.
Celia, Fresno Co.	Lawndale, Los Angeles Co.
Clint, Fresno Co.	Linda Vista, San Diego Co.
Como, Orange Co.	List, Tulare Co.
Conejo, Fresno Co.	Loma, Tulare Co.
Corcoran, Kings Co.	Lone Star, Fresno Co.
Crome, Kern Co.	Lucca, Tulare Co.
Cucamonga, San Bernardino Co.	Lucerne, Kings Co.
Cutler, Tulare Co.	March Field, Riverside Co.
Del Mar, San Diego Co.	Matchin, Tulare Co.
Del Rey, Fresno Co.	Mattei, Fresno Co.
Del Rosa, San Bernardino Co.	Miley, Fresno Co.
De Luz, San Diego Co.	Minkler, Fresno Co.
Don, San Diego Co.	Mirador, Tulare Co.
East Highlands, San Bernardino Co.	Monaco, Los Angeles Co.
East Whittier, Los Angeles Co.	Monmouth, Fresno Co.
El Toro, Orange Co.	Montebello, Los Angeles Co.
Encinitas, San Diego Co.	Mopeco, Kern Co.
Enson, Tulare Co.	Mosian, Tulare Co.
Falda, San Diego Co.	* National City, San Diego Co.
Fallbrook, San Diego Co.	Navalencia, Fresno Co.
Fane, Tulare Co.	Neufeld, Kern Co.
Farr, San Diego Co.	Oakhurst, Fresno Co.
Figarden, Fresno Co.	Oceanside, San Diego Co.
Frances, Orange Co.	Olive, Orange Co.
Galivan, Orange Co.	Orange Cove, Fresno Co.
Gepford, Kings Co.	Orosi, Tulare Co.
Gillette, Tulare Co.	Pacific Beach, San Diego Co.
Gregg, Madera Co.	Paige, Tulare Co.

* Included herein only with respect to traffic moving to and from points north thereof.

APPENDIX A
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POINTS FROM AND TO WHICH EXPRESS
OPERATIVE RIGHTS ARE TO BE REVOKED

Palmo, Kern Co.	Venida, Tulare Co.
Parlier, Fresno Co.	Venta, Orange Co.
Peral, Tulare Co.	Vista, San Diego Co.
Piedra, Fresno Co.	Wahtoke, Fresno Co.
Pitco, Kings Co.	Wasco, Kern Co.
Placentia, Orange Co.	Waukena, Tulare Co.
Pond, Kern Co.	Weisel, Riverside Co.
Ponto, San Diego Co.	Wimp, Tulare Co.
Porphry, Riverside Co.	Wolf, Fresno Co.
Prado Dam, Riverside Co.	Wyeth, Tulare Co.
Radwin, Fresno Co.	Yorba, Orange Co.
Ranch House, San Diego Co.	Lemona, Riverside Co.
Rayo, Tulare Co.	
Rochester, San Bernardino Co.	
Rosedale, Kern Co.	
San Clemente, Orange Co.	
* San Diego, San Diego Co.	
San Juan Capistrano, Orange Co.	
San Onofre, San Diego Co.	
Santa Fe Springs, Los Angeles Co.	
Santa Ysabel, Orange Co.	
Serra, Orange Co.	
Seville, Tulare Co.	
Shafter, Kern Co.	
Shilling, Fresno Co.	
Shirley, Kings Co.	
Sides, Tulare Co.	
Solana Beach, San Diego Co.	
Sorrento, San Diego Co.	
Spa, Tulare Co.	
Stephens, Los Angeles Co.	
Strathmore Jet., Tulare Co.	
Stuart, San Diego Co.	
Sultana, Tulare Co.	
Swall, Tulare Co.	
Talica, San Diego Co.	
Tokay, Tulare Co.	
Twin Buttes, Tulare Co.	
Una, Kern Co.	

* Included herein only with respect to traffic moving to and from points north thereof.