

Decision No. 23254.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CALIFORNIA TRANSIT COMPANY to sell  
and PACIFIC MOTOR TRANSPORT COMPANY  
to buy operative rights for transpor-  
tation of freight between Lone Pine  
and Bishop.

Application No. 16323

Supplemental Application No. 1  
of PACIFIC MOTOR TRANSPORT  
COMPANY

C.W. Cornell, for Applicant.

Owen C. Emery, for Robt. V. Hardie,  
Proprietor High Sierra Motor Freight, Protestant.

BY THE COMMISSION:

O P I N I O N

Pacific Motor Transport Company, a corporation, has petitioned the Railroad Commission for an order amending Decision No. 22183 in Application No. 16323 authorizing transfer of operative rights between Lone Pine and Bishop to applicant, to cover operation of a freight truck line between Lone Pine Station to Bishop and intermediate points including Lone Pine and to make such description in conformity with the intention in the prior proceedings concerning these operative rights which were held before the Railroad Commission.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, the matter was duly submitted on the filing of brief by counsel for protestant and is now ready for decision.

At the hearing no testimony was presented by applicant or protestant, counsel for both parties relying on the application, the protest against the granting of same, and the testimony, exhibits and records as appearing in Case No. 2367, Robt. V. Hardie, vs. Pacific Motor Transport Company, said case having been heard by the Commission on the same date as the above-mentioned supplemental

application but, due to objections of counsel, not consolidated with the proceeding herein.

The order prayed for herein is to correct an alleged inadvertence of the Commission in the statement of the route between Bishop and Lone Pine as authorized transferred from California Transit Co. to the applicant herein by the provisions of Decision No. 22183 on Application No. 16323, as decided March 6, 1930, by the omission of the portion of the route between Lone Pine Station and Lone Pine. The record in Case 2867, and the records of the Commission, each show that Lone Pine Station has been the terminal of the route between Lone Pine and Bishop ever since the commencement of operation following the granting of the original certificate to Owens Valley Transportation, Storage and Packing Company by the provisions of Decision No. 6666 on Application No. 4783, as decided September 15, 1919, and subsequently transferred first to California Transit Co. and the freight portion of such operative right to applicant herein by Decision No. 22183 on Application No. 16323, as decided March 6, 1930, in which latter decision, through inadvertence, the route was stated eliminating the portion of same between Lone Pine Station and Lone Pine. Service over such portion of the route has always been given by the former holders of such operative right between Lone Pine and Bishop, and the records of the Commission show tariffs and time schedules have been filed covering such operation by former owners of said certificate.

In view of the foregoing and of the evidence in Case No. 2867, as confirmed by the records of this Commission, we are of the opinion and hereby find as a fact that the portion of the route between Lone Pine Station and Lone Pine is a portion of the operative right between Lone Pine and Bishop, and that such portion of the route was inadvertently omitted from the description of said route as contained in Decision No. 22183 on Application No. 16323 as decided March 6th, 1930. An order granting the application

will be made.

O R D E R

A public hearing having been held on the above-mentioned supplemental application, the matter having been duly submitted upon the filing of brief by counsel for protestant, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order

IT IS HEREBY ORDERED that the description of the route between Lone Pine and Bishop as appearing in the Opinion and Order in Decision No. 22183, on Application No. 16323, as decided March 6, 1930, be and the same hereby is canceled.

IT IS HEREBY FURTHER ORDERED that the correct description of the route above referred to is as follows, and that such description of route should be substituted for that herein authorized to be canceled.

"An automotive service for the transportation of freight over the main highway between Lone Pine Station, Lone Pine and Bishop and all intermediate points with feeder lines from the direct route serving the communities at Round Valley, Sunland and Otis Ranch, provided that no trailer may be operated over said route in this subsection above described unless such trailer is equipped with a set of skid chains and said skid chains are applied to the wheels of said trailer whenever the roads are wet and slippery and the use of said chains will prevent skidding."

IT IS HEREBY FURTHER ORDERED that in all other respects the order and other conditions as contained in Opinion and Order as appearing in Decision No. 22183 on Application No. 16323, as decided March 6, 1930, be and the same hereby are affirmed.

The effective date of this order is hereby fixed as twenty

(20) days from and after the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day  
of January 1931.

J. C. Seaver  
Leon A. Kelly  
W. B. Harris  
Fred G. Stewart  
COMMISSIONERS.