

Decision No. 27128.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA INTERURBAN MOTOR TRANSPORTATION
ASSOCIATION,)

Complainant,)

vs.)

VENTURA TRANSFER COMPANY, INC. (sometimes
called Ventura Transfer and Storage
Company), et al.,)

Defendants.)

Case No. 3226.

D. G. Shearer and Lewis Clark, for California
Interurban Motor Transportation Association.

Sanborn & Roehl, by W. H. Kessler, for Ventura
Transfer Company, Inc.

CARR, Commissioner:

SUPPLEMENTAL OPINION AND ORDER

After the original order herein was issued it was reviewed by the Supreme Court as to some of the parties (Landis v. Railroad Commission, 87 Cal.Dec.485) Such decision of the court left grave doubt as to whether Ventura Transfer Company (not a party as to which a review was had) had in fact effected such a regularity of operation as to constitute it a transportation company. The case was on April 30, 1934, ordered reopened as to this company.¹

Notice was duly given to all interested parties, and on

¹ In Re U.C. Express and Storage Co. and affiliated cases, decided on April 30, 1934 (Decision 26993) the Commission passed upon various claims to prescriptive rights and applications for certificates advanced and made by parties to the main case. Ventura Transfer Company, Inc., was one of the parties to these cases, but the Commission was forced to the conclusion that the evidence neither established prescriptive rights nor justified certification.

May 25, 1934, a public hearing was had.

The facts as developed at the original hearing and as supplemented are, that Ventura Transfer Company, Inc., does primarily a local business. Much of its out-of-town movement centers about the oil fields at Ventura. With diminishing activities there ~~the~~ families moved from Ventura to other oil fields, located in the Los Angeles Basin, in the San Joaquin Valley and up the coast. Back hauls were not had by the company. The only mixed loads hauled were where an oil company employed the transfer company to move several families of its employees to other fields. During the last few years there has been practically no movement to Santa Barbara. Northbound movements were to the oil fields along the coast. Movements south and east were only occasional and they were to various points in Los Angeles and to communities in Los Angeles County.

In view of the conclusions reached by the Supreme Court upon other branches of this case it is concluded that as to Ventura Transfer Company, Inc., the record does not justify a finding that the company has attained such a regularity of operation as to render it subject to a cease and desist order.

I recommend the following form of supplemental order:

SUPPLEMENTAL ORDER

Based upon the finding contained in the opinion,

IT IS HEREBY ORDERED that Decision No. 25261 herein, so far as it affects Ventura Transfer Company, Inc., be and the same hereby is set aside and annulled, and that the case as against said company be and the same hereby is dismissed without prejudice.

The effective date of this order is twenty (20) days

from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 4 day of June, 1934.

C. L. Gray
Leon Overhille
M. A. Carr
W. B. Lamm
Arthur H. Ware
Commissioners.