

Decision No. 20843

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MOTOR FREIGHT TERMINAL COMPANY a  
corporation, for a clarification of  
its operative rights as enumerated  
in Decision No. 24396, on Application  
No. 17517; for authority to extend its  
operations from Long Beach, North Long  
Beach and Signal Hill, to all points  
on its system and from all points on  
its system to Long Beach, North Long  
Beach and Signal Hill; and to remove  
restrictions from its operative rights  
to Arvin, Magunden and Weed Patch; to  
extend its service laterally from  
roadways traversed in the neighborhood  
of Arvin; to extend its service to  
Bowerbank, Buttonwillow and Rio Bravo,  
and the oil fields thereunto adjacent;  
to provide for alternate routes; to  
extend its service to Torrance, on-  
call; and to extend its service into  
the metropolitan area adjacent to the  
City of Los Angeles.

Application No. 19717.

ORIGINAL

Wallace K. Downey, for Applicant.

Warren E. Libby, for Keystone Express System,  
Protestant.

Rex Boston and F. H. Asbury, for Asbury Truck  
Company, Protestant.

H. J. Bischoff, for Southern California Freight  
Lines and City Transfer and Storage Company,  
Protestants.

Gwyn Baker, for Besone Motor Express and C. H.  
Denio, Protestants, and Arvin Stage Line.

Robert Brennan, Wm. Brooks and H. K. Lockwood,  
for The Atchison, Topeka and Santa Fe Rail-  
way Company, Interested Party.

H. W. Hobbs, for Southern Pacific Company, and  
Pacific Motor Transport, Protestants.

Edward Stern, for Railway Express Agency, Inc.

Ray O. Baldwin, for Long Beach Chamber of Com-  
merce, Interested Party.

Chas. A. Bland, for Board of Harbor Commissioners  
of Long Beach, Interested Party.

BY THE COMMISSION:

O P I N I O N

The Motor Freight Terminal Company filed the above entitled application for an order clarifying its operating rights between Los Angeles (business district) and Los Angeles (harbor district), and for authority to extend and enlarge certain of its other operating rights. The name Motor Freight Terminal Company was changed to Pacific Freight Lines on May 29, 1935.

Public hearings on this application were conducted by Examiner Gorman in Los Angeles, Long Beach and Bakersfield. Briefs having been filed and the matter having been duly submitted, it is now ready for decision.

Applicant seeks the following:

I. A clarification of its operating rights between Los Angeles City proper and Los Angeles Harbor, so as to determine whether or not applicant has the right to serve intermediate points, including Vernon, Huntington Park, Southgate, Compton and the County territory between the southerly line of Los Angeles City proper and the northerly line of Los Angeles Harbor District (Wilmington).

II. That, if the Commission determines that applicant does not have the right to serve intermediate points, as set forth in I above, applicant requests authority to render such service from and to these points to and from all points on its system, save and except local service between Los Angeles proper and said points.

III. To extend its operations to include service to and from Maywood, Bell and that portion of the County of Los Angeles generally known as Belvedere Gardens, from and to all points on

its system.

IV. To extend its operations to and from Torrance from and to all points on its system with on-call service, with a minimum restriction of 5000 pounds.

V. To extend its operations from and to Long Beach, North Long Beach, Cudahy and Signal Hill to and from all points on its system (excepting local service between Long Beach, North Long Beach, Cudahy and Signal Hill and Los Angeles and intermediate points), with unrestricted service.

VI. To remove the restrictions on its operative rights to and from Arvin, Magunden and Weed Patch, in order that it may render transportation service daily to said points without restriction as to type of freight carried.

VII. To extend its service to the territory within ten miles of the highway traversed between Bakersfield and Arvin.

VIII. To extend its service within ten miles on either side of the highway traversed between Rose Station and Bakersfield.

IX. To extend its service to and from Rio Bravo, Buttonwillow, Bowerbank, Poso Creek, Mount Poso and the oil fields thereunto adjacent.

X. To use the highway between Tulare and Visalia as an alternate or optional route in serving Visalia and points on the so-called Porterville Loop Highway.

XI. To extend operations to and from Shafter from and to all points on its system.

Applicant now operates motor freight lines between Los Angeles Harbor (through Los Angeles) and San Luis Obispo, Fresno, Coalinga, San Bernardino, Calexico, San Diego and many inter-

mediate points.

For the sake of simplicity, the facts, as adduced at the hearings, will be briefly set forth for each and in the order of the items set forth above.

I. Clarification of Operating Rights, Los Angeles City proper and Los Angeles Harbor District.

Applicant was authorized, by Decision No. 24156, to purchase the operative rights of numerous highway transportation companies, among which were the operative rights of Los Angeles-San Pedro Transportation Company, Inc. The right acquired by applicant from Los Angeles-San Pedro Transportation Company, Inc. was granted to the latter company by Decision No. 6679, dated September 16, 1919 on Application No. 4219 and provided for the "operation by Los Angeles-San Pedro Transportation Company, Inc. of an automobile truck line as a common carrier of freight and passengers between Los Angeles City (business section) and Los Angeles City (harbor section) and intermediate points."

By Decision No. 24396, applicant was granted a certificate de novo in lieu of all of the rights previously held by it. A part of said Decision No. 24396 authorized applicant to operate as follows - "For an unlimited through and local service for the transportation of property between Los Angeles and Los Angeles Harbor, and Fresno and Taft, Maricopa, Fellow, McKittrick and points in the West Side oil fields, serving all terminals and intermediate points, except as herein restricted. \* \* \* "

One of the restrictions attached to said grant reads as follows - "No service is to be rendered between the Harbor District of Los Angeles at the north line of Wilmington and the business district of Los Angeles."

The certificate granted to the Los Angeles-San Pedro Transportation Company, Inc. by Decision No. 6679 did not set forth the route to be followed. A careful review of the

decision granting the certificate to Los Angeles-San Pedro Transportation Company, Inc. clearly indicates that that company was authorized to serve not only between Los Angeles (business district) and Los Angeles (harbor district) but all intermediate points as well.

In view of the fact that the grant to Los Angeles - San Pedro Transportation Company, Inc. is clear regarding intermediate points between Los Angeles (business district) and Los Angeles (harbor district), the question to decide is what route was established by said company. As previously stated, Decision No. 6679 did not specify a definite route to be followed between Los Angeles (business district) and Los Angeles (harbor district), however, the record shows that applicant's predecessor was operating along Alameda Street as early as 1923 and that operation over Alameda Street has been conducted continuously by either applicant's predecessor or applicant since that time. It is a well established principle that an operative right cannot be established by mere operation, particularly where said operation has been conducted contrary to the terms of an order of this Commission.

The decision granting applicant's predecessor the right in question being silent as to the route to be followed, it does not appear that applicant's predecessor or applicant has conducted an operation for the past thirteen years in violation of said order. During the early years of truck regulation, the orders granting rights were not as carefully drawn as they are to-day and often the specific route to be followed was omitted so that it has become necessary in certain instances to define the route over which operations

are conducted. In this particular case, the service in question has been operated for at least thirteen years over and along Alameda Street and we are of the opinion that this route has been well established as the route operated by applicant's predecessor and applicant.

We believe the record substantiates an amendment to Decision No. 24396 so as to permit applicant to serve the intermediate points along Alameda Street between Los Angeles (business district) and Los Angeles (harbor district).

Applicant alleged that the provision regarding the transportation of passengers contained in said Decision No. 6679, was apparently incorporated therein by inadvertence; that Los Angeles-San Pedro Transportation Company, Inc., never engaged in the transportation of passengers and that it is not applicant's intention to so engage in passenger service. Decision No. 24396 for the purpose of clarifying the rights of applicant granted a certificate, de novo, in lieu of all prior rights or grants thereby eliminating the provision with respect to the transportation of passengers.

## II. Vernon, Huntington Park, Southgate, etc.

Applicant alleged that it has always been of the belief that it possessed the right to handle, and it has been its practice to handle, traffic between the points intermediate to Los Angeles (Wilmington district) and Los Angeles City proper, which points are Compton, Huntington Park, Vernon, Southgate and the incorporated territory in which industries are located, between the southerly line of Los Angeles City proper and the northerly line of Los Angeles City harbor district (Wilmington).

As above stated, applicant had acquired, by transfer the operative right of Los Angeles-San Pedro Transportation Company, Inc., the right to serve the intermediate points between Los Angeles (Harbor District) and Los Angeles City (business district) along the route of said Company.

Applicant requests that if it is held that it does not already possess the right to serve the above mentioned communities, it be granted authority to render service from and to said points, to and from all points on its system, excluding, however, local service between said points and between said points and Los Angeles.

In support of its request, applicant alleges that the above mentioned communities are a part of the industrial district of Los Angeles; that said cities are entitled to substantially the same transportation service as are industries located within the city limits of Los Angeles; that there are many receivers and shippers of freight located at these points who receive from and ship freight to other points on applicant's system; that there is a demand for the service proposed; and that public convenience and necessity require the rendition of the proposed service by applicant.

In view of the finding under Item I above, it does not appear necessary to further discuss this phase of the application.

### III. Maywood, Bell and Belvedere Gardens.

Applicant alleged that the unincorporated territory immediately east of the east boundary line of Los Angeles City, known as Belvedere Gardens has developed industrially during

the past few years; that applicant has been rendering transportation service to this area under the mistaken apprehension that it was a part of the City of Los Angeles and that many other common carriers that render pick up and delivery service in Los Angeles, now give and have for a long time past, given service to this area under the same misapprehension.

All of the protestants with the exception of Asbury Truck Company stipulated that applicant should have the right to serve this area.

The record shows that applicant has served this area with satisfactory service for some time/<sup>and</sup>in view of the above stipulation it appears reasonable that applicant should be afforded the right to continue such operation.

The area generally known as Belvedere Gardens should be defined as follows:

Bounded on the north by 3rd Street.  
Bounded on the south by Union Pacific Railroad tracks.  
Bounded on the east by E. Garfield Avenue.  
Bounded on the west by East city limit of Los Angeles.

The route proposed for serving this area is as follows:

East Ninth Street and Whittier Boulevard to East Garfield Avenue.

The record does not show any evidence in support of a need for transportation service to Maywood or Bell as proposed.

#### IV. Extension of service to and from Torrance.

Applicant seeks authority to extend its operating rights so as to permit "on-call" service between Torrance and all points on its system with a minimum restriction of 5000 pounds.

The only witness from Torrance was a representative of the National Supply Company, manufacturers of oilwell drilling



machinery. He testified that his company shipped oilwell drilling equipment to the Magunden, Weed Patch, Arvin, Poso Creek, Mount Poso, Rio Bravo and Buttonwillow oil fields in the San Joaquin Valley; that shipments to San Joaquin Valley and Coast oil fields averaged 10 or 12 daily with an aggregate weight of approximately 5000 pounds; that a pick up service at Torrance would eliminate the necessity of making dock deliveries to carriers in Los Angeles and would be a convenience; that most of the shipments were uncrated thereby making transfers from equipment of connecting carriers objectionable; that the service of existing common carriers between Torrance and Los Angeles was too slow and that his company required a service which would afford deliveries direct to the well.

The record shows that the National Supply Company has used Asbury Truck Company, a highway common carrier, and Tolson Transportation Company for many of its shipments to its own stores or to the wells in the oil fields. Asbury Truck Company possesses a certificate of public convenience and necessity which authorizes the transportation of oil well supplies from Torrance to practically all of the oil fields. The service is rendered on an "on call" basis and is restricted to a minimum of 4000 pounds.

Applicant did not allege that it would transport all shipments from Torrance direct to the oil well without transfer from pick up truck to line haul truck at Los Angeles. Applicant proposes an "on call" service restricted to a minimum of 5000 pounds consequently it would not appear to be very much different than that now being rendered by Asbury Truck Company in so far as Torrance is concerned. The record does not dis-

close that the service of Asbury Truck Company between Torrance and the various oil fields is inadequate.

A careful analysis of the testimony does not indicate the necessity for certificating an additional carrier between Torrance and the various oil fields.

V. Extension of service to Long Beach, North Long Beach, Cudahy and Signal Hill.

Applicant seeks authority to extend its operations for unrestricted service to Long Beach, North Long Beach, Cudahy and Signal Hill so as to be able to serve between said points and all other points on its system, however, it does not propose to render local service between Long Beach and Los Angeles and the intermediate points.

Applicant presented six witnesses from Long Beach, four of whom represented manufacturers or dealers in oilwell supplies and equipment, a pickle manufacturer and a representative of a wholesale hardware company. The pickle manufacturer testified that he shipped pickles to San Joaquin Valley, Coast, San Diego and Imperial Valley points; that shipments varied in weight from 50 pounds to 10 tons; that approximately 100 tons annually were shipped via public carriers in Southern California; that he used his own trucks for shipments to Fresno, San Diego and Imperial Valley points on large quantity shipments; that he required a service daily except Sundays and holidays and that he desired a store door pick up service. A careful analysis of his testimony would indicate that he was not familiar with existing common carrier service from Long Beach and the fact that the pick up service now being rendered would be adequate for his needs.

Louis Door, representing the American Wholesale Hard-

ware Company testified that shipments were made by his firm from Long Beach to many Southern California points south of Santa Barbara; that no shipments were made to Imperial Valley points or San Joaquin Valley points; that the proposed service would be used when requested by customers particularly if a late afternoon pick up service were established and that the services of several common carriers were now being used and were found to be satisfactory.

A brief resume of the testimony of the shippers of oilwell supplies is as follows:

(1) Otto C. Schmidt, representing Southeast Tool Company, testified that his Company leased bits for oilwell drilling which required direct delivery to the oil well; that a well pick up service was necessary because all bits were returned to Long Beach for re-sharpening; that shipments would be made to Buttonwillow, Weed Patch, Edison, Poso Creek and Mountain View oil fields; that ordinarily shipments would be made three times a week; that an overnight truck service from Long Beach, with early morning well deliveries was necessary and that a scheduled service rather than an "on-call" service was required.

(2) J. D. McIntyre, representing H & B Sales Company testified that his Company ships oilwell supplies to all oil fields in California, particularly to Weed Patch, Edison, Poso Creek, Mount Poso, Kern Front and Coast fields; that shipments vary in weight from 200 pounds to 15 tons; that some shipments such as drill pipe, in 40 foot lengths, require handling on truck and trailer with bolsters; that shipments are usually direct to the well and that an expedited daily scheduled service with early morning delivery at the well was necessary.

(3) W. Westegard, of the Hancock Oil Company testified that his company ships oil well supplies from Long Beach to Taft, Maricopa and Weed Patch fields; that shipments vary in weight from 100 pounds to 10 tons; that the number of shipments vary from 3 per day to 2 per week; that delivery direct to the well is necessary and that a daily scheduled service is necessary, particularly for less than truckload shipments.

(4) E. V. Clark, of the Hofco Pump Company testified that his company ships oil well pumps from Long Beach to many oil fields, principally the Taft, Ventura, Santa Barbara and Elwood fields; the average weight of shipment is about 200 pounds; that shipments are made about 4

times a week; that a direct service to the well is necessary and that a late afternoon pick up service in Long Beach is required.

From the evidence it does not appear that public convenience and necessity justifies the granting of a certificate of public convenience and necessity for unlimited service from Long Beach to and from all points on applicant's system, except Los Angeles. We do believe, however, that the showing is affirmative in respect to the necessity for the establishment of a daily scheduled truck service for the transportation of oilwell supplies between Long Beach and the San Joaquin Valley and Coast oil fields.

The record does not show any evidence in respect to a need for truck service to North Long Beach, Cudahy or Signal Hill as proposed by applicant.

VI. Removal of Restrictions in Operating Right to and from Arvin, Magunden and Weed Patch.

VII. Serve area 10 miles each side highway - Bakersfield - Arvin.

Applicant's present certificate authorizing service between Los Angeles and Los Angeles Harbor and Weed Patch, Arvin and Magunden is limited to the transportation of cotton only. Applicant, in its application, seeks to have this restriction removed so that it may render daily service to said points without restriction as to the type of freight carried and to extend its service to the territory ten miles on either side of the highway between Bakersfield and Arvin. At the hearing in this matter applicant agreed to restrict its request for an enlargement of its operating right to these points so as to include oil well supplies and equipment only.

Applicant alleges that during the last year or so oil fields have been discovered or extended in the territory at or near Arvin, Magunden and Weed Patch; that developments of enormous magnitude have taken place, and, as a consequence

public convenience and necessity require a scheduled daily transportation service from and to these territories, with deliveries and collections made at the oil wells there existing and in the course of construction.

The existing oil wells and those under construction are not immediately adjacent to the highways proposed to be traversed and the record shows that some wells are now located as far as six miles from said highway. Oil fields, when once "proven" move with considerable rapidity and wells are usually drilled in all directions in the area for the purpose of ascertaining the limits of the field.

At the present time there is no direct scheduled transportation service into the oil fields of San Joaquin Valley or Coast territory other than that of applicant. Asbury Truck Company operates an "on-call" service to these fields. Mr. F. H. Asbury testified that his Company is operating daily at this time into the San Joaquin fields and every other day into the Coast fields.

The Asbury Truck Company applied for and was authorized to operate an "on demand" service with a restriction of a minimum of 4000 pounds and has not seen fit to request authority to broaden this service into a regular scheduled service without limitation. The Commission has previously held, (Decision No. 26303, dated August 28, 1933)<sup>1</sup>, that once an operator has obtained an "on call" certificate, the service rendered there-

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<sup>1</sup> \*\*\*\*\* It is urged by counsel for defendant Kagarise, that there is no law or ruling of the Commission, that an "on-call" service may not be transformed into a daily scheduled service, by sufficient demand. We cannot adopt such a broad construction. Scheduled service may not be reduced to "on-call" without the authorization of the Commission. Applicant who proposes only "on-demand" service and specifically without schedule, and further imposes upon the shipping public an obligation to provide 5000 pounds or more cargo, is not contemplating any more

under cannot be elevated to a regular service, without proper authorization.

Many witnesses representing shippers of oil well supplies in Los Angeles, Vernon, Compton, and unincorporated territory of Los Angeles County testified in behalf of applicant as to the need for a scheduled daily transportation service to the oil fields and providing for pick up and delivery service directly to the wells. The gist of their testimony was similar to that of the witnesses from Long Beach so it does not appear to be necessary to again repeat such evidence.

A careful analysis of the evidence indicates that there is a substantial demand for a daily scheduled truck service between the Los Angeles Basin area and the wells located in the areas discussed hereunder for the transportation of oil well supplies and equipment. We believe this record clearly indicates that the shippers of oil well supplies require a service which may be depended upon to operate daily with as late afternoon pick ups as possible and with early morning deliveries at the wells in the fields, such a service being proposed by applicant.

VIII. Extension of service 10 miles each side highway - between Rose Station and Bakersfield.

Applicant requests authority to extend its service to the territory within ten miles on either side of the highway between Rose Station and Bakersfield.

Applicant alleges that by Decision No. 20975, dated April 17, 1929, on Application No. 15482, San Joaquin Valley Transportation Company, one of applicant's predecessors in

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than the limited service he offers, and is not entitled to enlarge that right at his will to a regular scheduled service or for quantities for less than the minimum fixed by himself, except by further proper authorizations of the Commission \*\*\*\*\*."

interest, obtained a right from certain individuals to render transportation service between Los Angeles and practically all points in the San Joaquin Valley (excepting the central business district of Bakersfield) including the area within five miles of Highway 99. This right was acquired by applicant under Decision No. 24136 and was merged in the "in lieu" certificate in Decision No. 24396. In that portion of Decision No. 24396 under the caption "San Joaquin Division" (37 C.R.C. 48) shows no lateral right is granted between Rose Station and Bakersfield. The right involved herein was originally granted by Decision No. 9460, dated September 3, 1921 on Application No. 6217 and reads in part as follows:

"\* \* \* automobile freight truck service between Los Angeles and that portion of the City of Bakersfield lying beyond a radius of 12 blocks from the present Bakersfield terminal of George W. Duntley, doing business under the fictitious name of Los Angeles and Bakersfield Fast Freight Line; also between Los Angeles and Jewetta, Lerdo, Famosa, McFarland, Delano, Richgrove, Orris, Ducor, Terra Bella, Plano, Porterville, Strathmore, Lindsay, Exeter, Farmersville, Visalia, Tulare, Goshen, Traver, Kingsburg, Selma, Winedale, Fowler, Calwa City and Fresno, for the common carriage of property; \* \* \* and also a zone extending five miles on each side of the highway traversed on the route by which the above named towns are served and five miles on each side of the said 12 block radius from the said Duntley terminal in Bakersfield. Public convenience and necessity do not require operation of either of said services between Los Angeles and that portion of Bakersfield within said 12 block radius from said Duntley's Bakersfield terminal, nor do they require local service between Fresno, Selma, Kingsburg, Traver, Goshen, Goshen Junction, Visalia or Tulare, or between any of said points."

A careful reading of the above decision clearly indicates that this grant did not authorize applicant's predecessor the right to serve five miles on either side of the highway between Los Angeles and Bakersfield and consequently did not grant a lateral right between Rose Station and Bakersfield.

There is no evidence in this record to show a need for service as proposed by applicant in the area ten miles on either side of the highway between Rose Station and Bakersfield so the request should be denied.

IX. Extend Service to Rio Bravo, Buttonwillow, Bowerbank, Poso Creek, Mount Poso, and adjacent oil fields.

Applicant also seeks authority to extend its service to and from Rio Bravo, Buttonwillow, Bowerbank, Poso Creek, Mount Poso and the oil fields thereunto adjacent.

Applicant alleges that in the territory at or near Buttonwillow, Bowerbank, Rio Bravo, Mount Poso and Poso Creek, oil fields have been discovered or extended and as a consequence a scheduled daily transportation service from and to these territories, with deliveries and collections at the oil wells is required.

The record shows that considerable activity has taken place at these various oil fields during the last several months and that many new wells are being constructed in the vicinity of the Buttonwillow and Rio Bravo fields in addition to the deepening of wells in and near these fields.

Many of the witnesses testified that frequent shipments are being made to these fields and that a daily scheduled overnight service with early morning well deliveries is not only desirable but necessary. The testimony of these witnesses is practically identical with that relative to the Arvin, Magunden and Weed Patch areas so that repetition would serve no useful purpose.

After carefully considering all of the evidence in this record we are of the opinion that public convenience and necessity require the service proposed by applicant.



X. Alternate Route between Tulare and Visalia.

Applicant requests authority to use the highway between Tulare and Visalia (generally known as "Tulare-Visalia Highway" or State Highway Route No. 132), as an alternate or optional route in serving Visalia and points on the so-called "Porterville Loop Highway." No service is proposed to, from or between points on the alternate route.

All parties in this proceeding stipulated that they had no objection to the granting of this alternate route.

XI. Extend service to Shafter.

Applicant, by its Second Amended Application No. 19717, requested authority to extend its operations to and from Shafter from and to all points on its system.

Applicant now has an operative right between Bakersfield and Fresno, with certain restrictions, along the state highway and five miles on either side thereof.

The town of Shafter occupies the S.W. 1/4 of Sec. 10, T 285, R 25 E, Mt. Diablo Meridian and is located west of the state highway between Bakersfield and Fresno.

Representatives for Asbury Truck Company, Railway Express Agency, Inc., Southern Pacific Company and Pacific Motor Transport Company stipulated that applicant already has the right to serve the entire town of Shafter as a result of the five mile lateral right referred to above. Representatives of Besone Motor Express, C. E. Denio and The Atchison, Topeka & Santa Fe Railway Company stipulated that they would be agreeable to abide by the facts as shown on the County Surveyor's maps and the decision of the Commission relative thereto.

During the process of hearing this matter the County

Surveyor's maps of Kern County were made available to the Commission's Examiner and the other interested parties. Careful measurements were made of the five mile lateral right, measured from the state highway, and it was ascertained that all of the town of Shafter was included within said five mile lateral right with the exception of a very small piece in the southwest corner of the S.W. 1/4 of Section 10. This small excluded piece included the extreme end of the business section for a distance of approximately two or three blocks and in which two or three business establishments are located.

There appears to be no question that applicant already has the right to serve practically the entire area of the town of Shafter which lies within the said five mile lateral right. In view of the fact that such a small unimportant part of the town lies outside of the five mile lateral distance it appears only reasonable that applicant should have the right to serve the entire town of Shafter as above defined.

Pacific Freight Lines is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. 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

Pacific Freight Lines having filed the above entitled application, public hearings having been held and briefs having been filed and the Commission having been fully apprised of the facts,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require:

A. The establishment by applicant of an automotive truck service for the transportation of property as a highway common carrier between Los Angeles and Belvedere Gardens (bounded on the south by Union Pacific Railroad tracks; on the north by 3rd Street; on the east by E. Garfield Avenue, and on the west by the East City Limits of Los Angeles) over and along the following route:

East Ninth Street and Whittier Boulevard to  
East Garfield Avenue.

B. The establishment by applicant of an automotive truck service as a highway common carrier for the transportation of oil well supplies between Long Beach, on the one hand, and Los Angeles and San Luis Obispo and intermediate points, on the other hand, over and along the route:

Atlantic Avenue and Alameda Street and public roads or highways connecting such avenue and street between Long Beach and Los Angeles;

and over and along the route between Los Angeles and San Luis Obispo as set forth in Decision No. 24396 dated January 18, 1932 and ten (10) miles laterally therefrom, provided that no local service of any kind may be given between Long Beach and Los Angeles and intermediate points, except that set forth in Decision No. 24396; and provided further that the restriction of said Decision No. 24396 as set forth in sub-paragraph (c) under the heading "COAST DIVISION" at page No. 16 of the original type-written decision shall not apply to oil well supplies.

C. The establishment by applicant of an automotive truck service as a highway common carrier for the transportation of oil well supplies between Long Beach, Los Angeles and Los Angeles Harbor, and intermediate points, on the one hand, and Weed Patch, Arvin, Edison, Magunden, Bakersfield, Poso Creek, Mount Poso, Rio Bravo, Bowerbank, Buttonwillow and intermediate points, on the other hand, over and along the following routes and ten (10) miles laterally therefrom:

1. Roadway from Bakersfield to Arvin, via Magunden and Edison, known as the "Edison Highway," designated Route 58 by the County Surveyor of Kern County, California, and also known as State Highway Route No. 58.
2. Roadway from Golden State Highway to Arvin via Weed Patch, known as "Taft-Arvin Highway" and designated as Route 140 by the County Surveyor of Kern County, California, and also known as State Highway Route No. 140.
3. Roadway between Weed Patch and Magunden known as "Weed Patch Highway" and designated as Route 143 by the County Surveyor of Kern County, California, also known as State Highway Route No. 143.
4. Roadway from Weed Patch to Magunden generally known and designated as "Edison Road."
5. Roadway from Bakersfield to Buttonwillow, designated as Route 141 by the County Surveyor of Kern County, California, and also known as State Highway Route No. 141.
6. Roadway from Bakersfield to Mount Poso, via Poso Creek generally known and designated as "Woody Road,"

and the routes set forth in Decision No. 24396 dated January 18, 1932; provided, that no service of any kind may be given locally or otherwise between Long Beach and Los Angeles and intermediate points, except that set forth in Decision No. 24396; and provided further, that the restriction of said Decision No. 24396 as set forth in sub-paragraph (e) under the heading "SAN JOAQUIN DIVISION" at page 14 applying on "cotton only" shall be of no effect herein.

D. The use by applicant of the public highway between Tulare and Visalia designated as "Tulare - Visalia Highway" and also known as State Highway Route No. 132, as an alternate or optional route serving Visalia and points on the so-called "Porterville Loop Highway."

E. The extension of service by applicant to serve the town of Shafter (which occupies the S.W. 1/4 of Sec. 10, T 285, R 25 E, Mt. Diablo Meridian) over the route from Famosa via Wasco or from Bakersfield via the public highway running between Bakersfield and Rio Bravo with diversion therefrom over the most direct route.

The expression "oil well supplies" shall include:

(a) Articles described under that designation in the current Western Classification C.R.C. No. 580 of F. W. Gomph, Agent, or reissues thereof.

(b) In addition, such commodities as may be incidental or necessary to the establishment or dismantling of an oil well, but only when such additional commodities are shipped by or consigned and delivered to the person, firm or corporation establishing, operating, or dismantling such well.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and it is hereby, granted to Pacific Freight Lines, a corporation, not as a separate operating right but as an extension and enlargement of the rights heretofore granted by Decision No. 24396 dated January 18, 1932 in Application No. 17517 subject to all of the restrictions and limitations therein contained except as herein modified, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that Decision No. 24396 in Application No. 17517 be, and it is hereby modified and amended by striking therefrom the restriction in sub-paragraph (k) under the caption "SAN JOAQUIN DIVISION" at page 15 of the original typewritten decision reading:

"(k) No service is to be rendered between the harbor district of Los Angeles at the north line of Wilmington and the business district of Los Angeles,"

that said restriction be, and it is hereby, vacated, annulled, rescinded and set aside, and that Decision No. 24396 in all other respects shall remain in full force and effect except as modified herein.

IT IS HEREBY FURTHER ORDERED that Application No. 19717 in all other respects be, and it is hereby denied.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of March, 1936.

W B Harris  
Leon Wheeler  
W H Linn  
Walter Jones  
COMMISSIONERS.