

Decision No. 30110

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of PACIFIC MOTOR TRUCKING COMPANY
for certificate of public conven-
ience and necessity for the trans-
portation by motor trucks of
railroad traffic in the San Joaquin
Valley, etc.

Application No. 18699.
(Supplemental.)

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In the Matter of the Application
of PACIFIC MOTOR TRUCKING COMPANY
for certificate to transport
property by motor trucks under
contract between Metz and San Luis
Obispo, etc.

Application No. 18881.
(Supplemental.)

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In the Matter of the Application
of PACIFIC MOTOR TRUCKING COMPANY
for certificate to transport by
motor truck freight and express
between railroad stations of
Southern Pacific Co. and/or
Visalia Electric R.R. Co., etc.
southeast of Fresno, et al.

Application No. 19062.
(Supplemental.)

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In the Matter of the Application
of SANTA FE TRANSPORTATION
COMPANY, for certificate of public
convenience and necessity to
operate auto truck service between
Fresno and Porterville and inter-
mediate points.

Application No. 19030.
(Supplemental.)

E. J. Foulds, for Applicant, Pacific Motor Trucking Company.
Robert Brennan, Gerald E. Duffy, E. T. Lucey and Berne Levy,
for Applicant, Santa Fe Transportation Company.
Wallace K. Downey, for Pacific Freight Lines, Protestant.
Gwyn E. Baker for Besone Motor Express and Henry B. Elbert,
doing business as the Arvin Stage Line.
W. S. Johnson for Valley Express Company, Valley Motor Lines, Inc.,
George Harm Truck Line, E. Frasher, doing business as Frasher
Truck Line; C. L. and E. B. Fortier, doing business as Fortier
Brothers, and G. C. Cobb, doing business as Triangle Transfer
Company.
Douglas Brookman, for Valley and Coast Transit Company and Coast
Line Express.

BY THE COMMISSION:

OPINION AND ORDER

Applicants seek, by supplementary applications herein, to have a certain restriction contained in the order in each case removed and applicants authorized "to act as agent for the rail carriers whose traffic is moving over its line in performing, in whole or in part, the pick-up and delivery services at each of the railroad stations herein involved as provided for in the tariffs of said rail carriers; or in lieu thereof, construe such decision as not directly implying any restriction prohibiting applicant from performing such service for said rail carriers."

The specific restriction contained in each of the four orders involved, reads:

"The certificate herein granted does not authorize applicant to directly or indirectly perform a pick-up and/or delivery service at the points to be served."

While the restriction may vary as to phraseology in the various orders the import and implication are the same.

Public hearings thereon were conducted by Examiner W. R. Williams at San Francisco and the matters were submitted on briefs.

Applicant Pacific Motor Trucking Company is a highway common carrier and a subsidiary of Southern Pacific Company. Santa Fe Transportation Company is a similar carrier and a subsidiary of The Atchison, Topeka and Santa Fe Railway. Each is a California corporation and as such heretofore has received the certificates now sought to be amended. Each is the servant exclusively of the rail carriers at the carriers' rates. Hence they are instrumentalities created for the benefit of rail

carriers in the reduction or elimination of costly rail service carrying L.C.L. shipments and are recognized as a proper modern method of economy and expedition.

The four applications affect a total of 249 stations. Of these 81 now maintain station agencies (a few part time or seasonal), 39 now have established pick-up and delivery by private carriers under contract, 73 have no pick-up or delivery and 102 are flag stations (applicants excluding the "flag" stations). Applicants also ask that 11 stations in Application No. 19878 be included, but determination of this application will be made separately. The granting of the instant applications will, potentially, permit applicants to serve approximately 115 points with pick-up and delivery in addition to the 39 now served.

Applicants at the time of hearing contended that, notwithstanding the restriction quoted, they were legally able to give and were giving pick-up and delivery at incorporated communities, such service being exclusively rendered in one municipality; and at unincorporated points by operating as a radial highway common carrier. Wherever possible local draymen have been employed. As a rule the rail carriers offer pick-up and delivery (wherever so provided in their tariffs), fully in incorporated communities, and within a radius of one mile from railway stations in unincorporated communities.

Applicants further contend that the restriction cited prevents only their subsidiary highway common carrier operations

from making pick-up and delivery which, otherwise, may be made; that at many points contracts with private truckmen are not possible; that, in many cases, contract service is not adequate, particularly in larger incorporated communities, and additional service by applicant is necessary, all contributing to the disadvantage of shippers by rail, many of whom have no facilities to haul their shipments short distances from or to the rail depots.

This summary in detail is to be found in the testimony of L. B. Young, General Manager of Pacific Motor Transport Company; W. H. Bartholomew, of the Southern Pacific Traffic Department, who made a personal survey at all points on Southern Pacific System; P. P. Dougherty, General Agent, Pacific Motor Transport Company, and M. A. Cummings, an accountant on the staff of Freight Traffic Manager of Southern Pacific Company. Mr. Dougherty explained that the use of the truck carrier by rail carriers is of great benefit to the consignees in expediting their C. O. D. packages at nonagency stations, as both delivery and collection may be made by the truck carrier. Mr. Cummings pointed out that the rates of Southern Pacific for both interstate service, as well as intrastate, provide for local pick-up and delivery, where maintained.

Similar testimony was given by W. T. Quirk, Manager of Santa Fe Transportation Company, which, operating under the restriction quoted, is under the same disability as the other applicant. The carriers now find these limitations too restrictive to permit the performance of a service which the public demands. This appears to be a case that falls under the doctrine laid down in re Application of Pacific Motor Trucking Company, Application No. 19563. Public convenience and necessity will be subserved by the removal of the restrictions as sought, and the order will so provide.

O R D E R

The foregoing matters having been duly heard and submitted, briefs having been filed and the matters now being ready for decision, and

GOOD CAUSE APPEARING,

IT IS HEREBY ORDERED that Decision No. 26261 on Application No. 13699, be and it hereby is amended by adding to paragraph No. 2 in the order thereto attached the following:

"Provided, however, that applicant hereby further is authorized to perform store-door pick-up and delivery service at all station points herein granted, only when such store-door pick-up and delivery is limited to shipments consigned to or from Southern Pacific Railway, Pacific Motor Transport Company and/or Railway Express Agency, Inc., at their rates and only in the pick-up and/or delivery zones provided for in the tariffs of such carriers."

IT IS HEREBY FURTHER ORDERED that Decision No. 27235 on Application No. 19062 be and it hereby is amended by striking out condition No. 6 in the order thereto attached and substituting, in lieu thereof, the following:

"No. 6. The certificate herein granted authorizes applicant to perform store-door pick-up and/or delivery service at all station points herein granted, only when such store-door pick-up and/or delivery service is limited to shipments consigned to or from Southern Pacific Railway, Pacific Motor Transport Company and/or Railway Express Agency, Inc., at their rates and only in the pick-up and/or delivery zones provided for in the tariffs of such carriers."

IT IS HEREBY FURTHER ORDERED that Decision No. 26939 on Application No. 18881 be and it hereby is amended by adding to paragraph No. 2 in the order thereto attached the following:

"Provided, however, that applicant hereby further is authorized to perform store-door pick-up and delivery service at all station points herein granted, only when such store-door pick-up and delivery is limited to shipments consigned to or from Southern Pacific Railway, Pacific Motor Transport Company and/or Railway Express Agency, Inc., at their rates and only in the pick-up and/or delivery zones provided for in the tariffs of such carriers."

IT IS HEREBY FURTHER ORDERED that Decision No. 27234 on Application No. 19030 be and it hereby is amended by striking out Condition No. 6 in the order thereto attached, and substituting in lieu thereof the following:

"No. 6. The certificate herein granted authorizes applicant to perform store-door pick-up and/or delivery service at all station points herein granted only when such store-door pick-up and delivery service is limited to shipments consigned to or from The Atchison, Topeka and Santa Fe Railway Company, and/or other rail carriers operating to and from such station points at their rates and only in the pick-up and delivery zones provided for in the tariffs of such carriers."

IT IS HEREBY FURTHER ORDERED that said Decisions No. 26261 on Application No. 18699, No. 27235 on Application No. 19062, No. 26939 on Application No. 18981 and No. 27234 on Application No. 19030, except as herein specifically amended, remain unaltered.

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 7th day of September, 1937.

Walter H. ...
Leon ...

Ben L. ...
Commissioners.