

Decision No. 31135

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PACIFIC MOTOR TRUCKING COMPANY, for  
certificate of public convenience and  
necessity for the transportation of  
property by motor trucks under con-  
tract for certain common carriers be-  
tween Los Angeles Harbor and Long  
Beach and stations intermediate there-  
to.

ORIGINAL

Application No. 18981

E. J. FOULDS, A. A. JONES and R. E. WEDEKIND, by  
R. E. WEDEKIND, for Applicant.

WALLACE K. DOWNEY, for Motor Freight Terminal Company,  
City Transfer and Storage Company, and Valley  
Express Company, protestants.

H. J. BISCHOFF, for Rice Transportation Company and  
Southern California Freight Lines, protestants.

PHIL JACOBSON, for Citizens Truck Company, protestant.

HARRY SEE, for Brotherhood of Railroad Trainmen,  
protestant.

CHARLES A. BLAND, for Board of Harbor Commissioners of  
Long Beach, interested party.

LIBBY & SHEERWIN, by WARREN E. LIBBY and ELMER AEL, for  
Keystone Express System, protestant.

HUGH GORDON, for Richards Trucking and Warehouse Company,  
interested party.

HARVEY SANBORN, for R. G. Knoll, interested party.

BY THE COMMISSION:

OPINION ON REHEARING

On April 19, 1935, City Transfer and Storage Company,  
Motor Freight Terminal Company (now Pacific Freight Lines) and  
Southern California Freight Lines petitioned the Commission for a

rehearing of the above-entitled matter and a reconsideration of its Decision No. 27879, rendered April 8, 1935.

The Commission by its order dated May 13, 1935, granted the petition for rehearing which was held September 11, 1935, at which time evidence was adduced, oral arguments made, and the matter was taken under submission without briefs.

The original application in this proceeding was filed July 1, 1933, a public hearing thereon being held September 19, 1933, at which time the matter was submitted on briefs subject to reopening in order that applicant might have the opportunity to offer additional testimony if deemed expedient by the Commission. No decision was rendered by the Commission which, on January 2, 1935, upon a further consideration of the record and applicant's amended application filed December 11, 1934, set aside submission theretofore entered and ordered a further hearing. Said further hearing was held February 13, 1935, at which time the matter was resubmitted on briefs.

Following said resubmission the Commission, on April 2, 1935, rendered its Decision No. 27879 in which it granted a certificate to applicant as set forth in the following finding and declaration:

"THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AND DECLARES that public convenience and necessity require the extension of applicant's operative rights from Los Angeles Harbor to Long Beach for the sole purpose of handling such less than carload rail traffic as may have been previously consigned for transportation by rail between Los Angeles and Long Beach and also for the purpose of handling such traffic moving locally between the Los Angeles Harbor District and Long Beach, over and along the following route:

"From the junction of Alameda Street and Anaheim Boulevard westwardly over Anaheim Boulevard to Long Beach and Long Beach Harbor; provided, applicant may divert from its present route at the junction of Alameda Street and Carson Street, westwardly to Santa Fe Avenue, thence to the junction of Santa Fe Avenue and Anaheim Boulevard; or

via Long Beach Boulevard and American Avenue between Los Angeles and Long Beach, together with a connecting route via Willow Street between Santa Fe Avenue and American Avenue, said additional routings contained in this proviso are alternate to applicant's Alameda Street route and are for convenience only and without authority to serve intermediate points not heretofore authorized specifically.

"Applicant is also authorized to perform store-door pickup and delivery service at Long Beach."

The record adduced at the rehearing on September 11, 1935, shows that no service has been performed under the authority conferred by Decision No. 27879. During said rehearing applicant by stipulation, narrowed the issue to the granting or denying of the certificate between Los Angeles Harbor and Long Beach as an extension and enlargement of its existing right between Los Angeles and Los Angeles Harbor, and with the further stipulation that no local traffic would be handled between Los Angeles Harbor and Long Beach.

Applicant now holds a certificate to operate as a highway common carrier for the transportation of property without restriction between Los Angeles and the wharves and steamship docks at Los Angeles Harbor within the Wilmington and San Pedro districts as originally granted to Cunningham and Akins by Decision No. 14404, on Application No. 9988. Decision No. 21387, on Application No. 15795, subsequently authorized Union Terminal and Warehouse Company to acquire said right. Later Pacific Motor Transport Company was authorized by Decision No. 23564, on Application No. 17236, to acquire the right which in turn was authorized by Decision No. 26017, on Application No. 18892, to transfer said right to Pacific Motor Trucking Company applicant herein.

The authority herein sought is for a certificate authorizing applicant to transport property as a highway common carrier restricted to less than carload traffic previously consigned for transportation over the facilities of Southern Pacific Company, Pacific

Electric Railway Company, Pacific Motor Transport Company, Railway Express Agency, Incorporated, and other common carriers of a like class, under the rates of said common carriers.

Protestants urged that the authority requested should be denied, principally because of the adequacy of present service between the points proposed to be served. It is urged that no showing of public convenience and necessity was made. Protestants further contended that the entry of a new carrier in the field would divert sufficient tonnage from the existing certificated carriers to endanger their ability to continue their operations. The record shows that there are five protesting certificated truck operators now performing an admittedly satisfactory and adequate service affecting local traffic between Los Angeles and Long Beach.

While it is true that the applicant would be enabled to expedite, by means of this proposed truck service, the traffic which is incidental to the rail haul that moves between Los Angeles and Long Beach and originates at or is destined to points beyond Los Angeles, and while it is furthermore true that certain economies in the operation of applicant's proposed truck service would be effected, the more important fact remains that the great bulk of all L.C.L. traffic moving between Los Angeles and Long Beach is local traffic, i.e. traffic limited to these two points. It clearly appears that this application is for the primary purpose of placing in the field another truck carrier to handle traffic which inherently is local in character, i.e. traffic between Los Angeles and Long Beach, and which is now being handled adequately and satisfactorily by existing highway common carriers. The traffic incidental to the rail haul involved as compared to the total traffic moving by all carriers between Los Angeles and Long Beach, is negligible.

On this record, Decision No. 27879 must be and the same hereby is set aside and vacated. No sufficient showing having been made by the applicant to warrant the granting of the certificate sought herein, the application in the above-entitled matter must be denied.

O R D E R

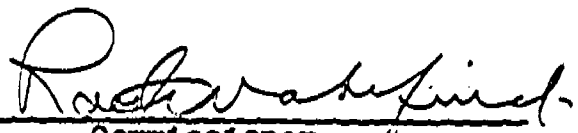
On further consideration of the record in the above-entitled proceeding and in the light of the rehearing and good cause appearing;

IT IS HEREBY ORDERED that Decision No. 27879, dated April 8, 1930, be and the same hereby is vacated, revoked, and annulled, and the certificate sought herein be and the same hereby is denied.

Dated at San Francisco, California, this 30<sup>th</sup> day of July, 1938.

Walter H. Hume  
Leon A. Whipple  
Frank R. Devlin  
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I am in agreement with the foregoing order, particularly insofar as it denies applicant the right to handle local traffic between Los Angeles and Long Beach. However, I am of the opinion that applicant should be given the right to handle traffic originating at or destined to points beyond Los Angeles when such traffic is incidental to a rail haul. However, the record is not clear that applicant would accept such a certificate, and I therefore concur in the foregoing order.

  
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Commissioner