

Decision No. 31833

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA FREIGHT LINES, a corporation, for a certificate of public convenience and necessity authorizing it to operate over an alternate route between Long Beach and Newport Beach.

Application No. 22169

H. J. BISCHOFF, for Applicant.

E. T. LUCEY for The Atchison, Topeka and Santa Fe Railway Company, Interested Party.

BY THE COMMISSION:

O P I N I O N

Southern California Freight Lines, a corporation, is engaged in the transportation of property as a highway common carrier in Southern California. The following operative rights are involved in this proceeding: between Los Angeles Harbor and Long Beach, on the one hand, and San Diego and certain intermediate points, on the other hand, as particularly set forth and restricted in Decision No. 26908, dated April 2, 1934, on Application No. 18381, via Newport Beach and Seal Beach; between Newport Beach and Dana Point and intermediate points as particularly set forth in Decision No. 28675, dated March 30, 1936, on Application No. 20048, (an extension and enlargement of the right granted by Decision No. 26908, supra); between San Pedro and Santa Ana via Long Beach, as particularly set forth in Decision No. 26653, dated December 18, 1933, on Application No. 18821 (acquired by applicant in Decision No. 27366 and not consolidated with the other rights herein referred to); and between Newport Beach, Santa Ana and other points to and including

San Bernardino. It should be observed that the operative right between Newport Beach and San Bernardino via Santa Ana is also a separate right,<sup>(1)</sup> never having been consolidated with the rights created by Decisions Nos. 26908 and 28675, which are consolidated, nor with the rights created by Decision No. 26653.

Applicant herein requests authority to operate its trucks between Long Beach and Newport Beach, over the following alternate route via Santa Ana:

Over and along Westminster Avenue between Seal Beach and Santa Ana, thence from Santa Ana to Newport Beach via Costa Mesa.

A public hearing was held by Examiner Paul at Los Angeles on December 22, 1938, and the matter having been submitted is now ready for decision.

It was shown that the application has for its object a reduction of the costs of operation for the transportation of property to and from the points applicant is authorized to serve in the territory between San Diego, Newport Beach, Santa Ana and Long Beach and Los Angeles Harbor.

Mr. Bischoff testified that in many cases the shipments to intermediate points along the coast route are handled on through trucks operating between San Diego and Los Angeles; that the operation between Santa Ana and Newport Beach involves the handling of a relatively small tonnage; that the usual daily movement on the run between Long Beach and Santa Ana via Garden Grove is also relatively

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(1) The operative right between Newport Beach and San Bernardino was created by the Commission's Decision No. 16315, dated March 29, 1926, on Application No. 11227 in A. J. Baker who was authorized by Decision No. 23374, dated February 9, 1931, on Application No. 17175, to transfer the right to Rice Transportation Company, from which applicant herein acquired said right under the authority of the Commission's Decision No. 27366, dated September 17, 1934, on Application No. 19587.

small, generally less than one truck load, which being the case, the freight moving between Long Beach and Los Angeles Harbor, on the one hand, to Newport Beach, Laguna Beach, and other intermediate points can, on most occasions, be handled on the same truck which leaves Long Beach for Santa Ana. Mr. Bischoff further states that there are also occasions when shipments from San Diego to Newport Beach and Laguna Beach can be expedited by handling the freight to Santa Ana, and there making a transfer to the local truck moving out of Long Beach to Newport Beach via Santa Ana; that one truck, of varying size, will be sufficient to care for service to and from the intermediate territory involved. The truck moving from Santa Ana to Newport Beach leaves Santa Ana early in the morning. The truck from Long Beach will leave early enough to connect with the Santa Ana truck. The traffic moving from San Diego destined to points involved moves during the night and arrives at Santa Ana before the departure of the local Santa Ana - Newport truck, which will backhaul less truck load traffic.

From the record it appears that to grant the authority sought will result in an economy of operation which will be in the public interest. However, to make such grant without any qualifications would naturally result in a consolidation of the three separate operative rights involved which has not been requested, nor any showing made therefor.

It should be observed that this decision shall not be construed as in any manner defining or construing any of the operative rights of applicant as herein referred to.

No one protested the granting of the authority sought.

#### O R D E R

A public hearing having been held, evidence adduced, and the Commission now being fully advised, and, good cause appearing,

IT IS ORDERED that Southern California Freight Lines may in the conduct of its operations between Long Beach and Newport Beach use the following described alternate route:

Over and along Westminster Avenue between Seal Beach and Santa Ana, thence over the public highway between Santa Ana and Newport Beach via Costa Mesa, as an extension and enlargement of the operative rights created by Decisions No. 26908, dated April 2, 1934, and No. 28675, dated March 30, 1936.

IT IS FURTHER ORDERED that applicant may, at Santa Ana, consolidate loads of trucks which are carrying shipments moving to or from points, which applicant is authorized to serve, intermediate to San Diego, Santa Ana and Long Beach, subject to the following restrictions:

1. No service may be given to or from any intermediate point on the alternate route between Seal Beach and Santa Ana.
2. The authority herein conferred is subject to all of the restrictions as set forth in Decisions Nos. 16315, 26653, 26908 and 28675 as such restrictions may affect the territory involved herein.
3. The authority herein conferred may not be construed as consolidating the operative rights created by Decisions Nos. 16315, 26653, 26908 and 28675, except as such rights heretofore may have been consolidated.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of March, 1939.

Robert H. ...  
Francis ...  
Ray ...  
H. ...  
Justus J. ...  
COMMISSIONERS