

Decision No. 32156

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WESTERN TRUCK LINES, LTD., a corporation,
for a certificate of public convenience
and necessity for the transportation of
property between June Lake Junction and
the intersection of U. S. Highway No. 395
with the California-Nevada line and inter-
mediate and off route points.

Application No. 23156

ORIGINAL

PHIL JACOBSON, for Applicant.

GEORGE A. MONTROSE, for Mono Basis Transport,
Inc., Protestant.

WILLIAM MEINHOLD, for Southern Pacific Company,
Pacific Motor Trucking Company and Railway
Express Agency, Incorporated, Protestants.

GUY S. ALEXANDER, for Guy S. Alexander and L.B.
Larson, doing business as High Sierras Trans-
port Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In this application Western Truck Lines, Ltd., a corporation, seeks a certificate of public convenience and necessity for the establishment and operation of a daily except Sunday and holiday highway common carrier service, between June Lake Junction and the intersection of U. S. Highway No. 395 and the California - Nevada state line, near Topaz, and intermediate points, via Leevining and Bridgeport, as an extension and enlargement of applicant's present operative rights between Los Angeles and June Lake Junction, and for authority to discontinue the joint rate and through route arrangement with L. N. Anderson and H. G. Anderson,

predecessors in interest of Mono Basin Transport, Inc., heretofore authorized by the Commission's Decision No. 27766, dated February 25, 1935.

A public hearing thereon was had before Examiner Paul at Leevining, on February 23, 1940, and the matter having been duly submitted is now ready for decision.

Applicant's proposed extension was protested by Mono Basin Transport, Inc., Alexander and Larson, doing business as High Sierras Transport Company, Southern Pacific Company, Pacific Motor Trucking Company and Railway Express Agency, Incorporated.

Applicant now operates a highway common carrier service between Los Angeles and Silver Lake, via Mojave, Lone Pine, Bishop, June Lake Junction and June Lake. Intermediate service is provided, with certain restrictions between Los Angeles and Mojave and between Lone Pine and Bishop. June Lake Junction is the northern most point on U. S. Highway No. 395 now served by applicant. June Lake and Silver Lake lie westerly from such highway. By Decision No. 27766, dated February 25, 1935, in Case No. 3860, applicant and L. N. and H. G. Anderson, predecessors in interest of Mono Basin Transport, Inc., were authorized to issue joint rates and effect interchange of traffic at June Lake Junction.

Mono Basin Transport, Inc. is providing highway common carrier service between a point on the California-Nevada state line northerly of Topaz and Farrington serving intermediate points along U. S. Highway No. 395, including Bridgeport and Leevining, as well as between other points not involved herein (Decision No. 22576, dated June 24, 1930, on Application No. 16565). By Decision No. 27766, hereinbefore referred to, L. N. Anderson and H. G. Anderson,

predecessors in interest of Mono Basin Transport, Inc., were authorized to extend their highway common carrier service, created by Decision No. 22576, from Leevining to June Lake Junction for the sole purpose of effecting an interchange of traffic with applicant herein under a joint rate arrangement authorized by said Decision No. 27766. From the record herein, the distance between Leevining and June Lake Junction appears to be approximately 21 miles. The truck of this carrier leaves Reno Mondays, Wednesdays and Fridays, tying up overnight at Gardnerville and leaves Gardnerville at 8:00 A.M. Tuesdays, Thursdays and Saturdays, arriving at June Lake Junction at about 3:00 P.M. of the same day where an immediate turn around is made for the return trip to Gardnerville.

Alexander and Larson, doing business as High Sierras Transport Company, are providing seasonal service". . . to be rendered at least three round trips per week between May 31 and October 31 in each year, and as much longer each season to any point upon said route as weather, road and traffic conditions will permit" for the transportation of passengers and express between Bishop and Cunningham, known also as Mono Lake, serving Rock Creek Station, Eaton's Ranch, Sumner's Ranch, Mammoth Camp and Cain's Ranch as intermediate points, under an operative right created by Decision No. 11722, dated February 27, 1923, on Application No. 3027. Such right was later extended by the Commission's Decision No. 19579, dated April 10, 1928, on Application No. 13378, authorizing service ". . . between Bishop and the intermediate points on the main highway between Bishop and Mono Lake known as Clark's Rock Creek Camp, Boulder Lodge, Culver's Lodge, June Lodge, Cherokee Camp, Carson's Camp and Leevining, . . ." and an on-call service to additional off-route intermediate points, such right being seasonal

(1)
from June to October inclusive of each year.

It was not shown that Southern Pacific Company, Pacific Motor Trucking Company or Railway Express Agency, Incorporated, are now authorized to provide any common carrier service between the points involved herein. These carriers protested the granting of the application upon the basis that they are planning upon the establishment of joint rates with High Sierras Transport Company.

Twelve public witnesses testified in support of applicant's proposal. Of such witnesses, five conduct their businesses at Bridgeport, three at Bishop, two at Leevining and one each at Mono Lake and Conway's Summit.

Mr. Evans, from Bridgeport, testified that his company operates its own truck line between Bridgeport and Minden, Nevada; that the proposed service would be a convenience to him; and that the only commodity for which he needs the proposed service is soft drinks.

Two other witnesses from Bridgeport testified--one stating that the proposed service would be a general benefit to the district, but of no particular benefit to him, while the other stated that he had no complaint to make in regard to the service now provided by Mono Basin Transport, Inc. A witness from Leevining, who operates a tourist camp and is also engaged in building construction at such point, testified that about 75 per cent of the materials which

(1) M. C. Yahne, Inc., doing business as Inland Stages, provides a common carrier passenger stage service between San Diego, Los Angeles and the California-Nevada State line north of Topaz, over the route involved herein, for the transportation of passengers and express, serving intermediate points, without restriction, between June Lake Junction and California - Nevada state line. Although notified of the hearing in this proceeding, no appearance was made by this carrier.

he uses are purchased at Lone Pine and delivered to him by the seller. The remainder of his purchases are made at Los Angeles. He offered but one inconsequential complaint in regard to slow delivery by Mono Basin Transport, Inc. on a shipment received on interchange at June Lake Junction.

A wholesale dealer in liquor, candy, etc. at Bishop testified that he was opposed to the loss of time involved in the interchange of his shipments at June Lake Junction which are destined to points north thereof. He would not state that he had lost any business because of such interchange, although he was of the opinion that his business had decreased somewhat. He further testified that he ships nothing beyond Bridgeport and that he operates his own truck from Bishop to Leevining and also uses a service provided by High Sierras Transport Company between Bishop and Leevining.

Other witnesses testified that the majority of their purchases are made at points north of Bridgeport such as Reno, Sacramento and San Francisco.

The record shows that for the period November 1938 to and including October 1939, ⁽²⁾ approximately 77 tons of intrastate traffic were handled on interchange between points on the line of Mono Basin Transport, Inc. and points on the line of applicant. The average monthly weight of such shipments varied from approximately 1.4 tons to approximately 11.2 tons; the average monthly

(2) Exhibit No. 4 - Statement of total revenue on traffic between points on lines of Mono Basin Transport, Inc. and lines of Western Truck Lines, Ltd. for the period November, 1938 to and including October, 1939.

(Continued on next page)

shipment for the period being approximately 6.4 tons. The total revenue derived from such shipments was \$2,243.44; applicant's proportion was \$1,539.46 and Mono Basin Transport, Inc.'s was \$403.98.

For the months of November and December, 1939 and January, 1940 the traffic movement and revenue therefrom was approximately the same proportionally as that shown in Exhibit No. 4. An analysis of the traffic moving northerly shows that approximately 48 per cent was destined to Leevining, the preponderance of which originated at Los Angeles.

A careful review of this record discloses that in a few cases the proposal of applicant would provide a more convenient daily except Sunday and holiday service to and from the points involved without the necessity of an interchange at June Lake Junction. On the other hand, however, this record discloses that the service now provided by other common carriers reasonably meets public requirements in the territory considered. Therefore, in our judgment, this record does not justify the granting of this application, the effect of which would be a duplication of a

Footnote No. 2 continued:

Month	Weight in Pounds	Division of Revenue	
		Western Truck Lines	Mono Basin Transport
November, 1938	6932	107.80	23.66
December, "	7209	131.36	28.84
January, 1939	3423	50.43	11.07
February, "	2882	50.77	11.14
March, "	2773	60.66	13.31
April, "	12425	157.28	34.52
May, "	17833	192.29	42.21
June, "	18394	208.83	45.54
July, "	21160	210.40	46.18
August, "	22437	236.36	51.89
September, "	22056	240.38	52.77
October, "	18174	192.90	42.55
TOTALS	155698	1839.46	403.98

presently available reasonably adequate public transportation service. It is apparent from this record that if the authority requested were granted the service now provided by Mono Basin Transport, Inc. would suffer a loss of revenue by the diversion of traffic which it now receives under the joint rate and through route arrangement with applicant. It appears, therefore, that the application to establish the proposed service between June Lake Junction and the California - Nevada state line and intermediate points, and for authority to abandon the joint rate arrangement hereinbefore referred to, should be denied. The order will so provide.

O R D E R

A public hearing having been had in the above-entitled proceeding, evidence having been received, the matter having been duly submitted, and the Commission now being fully advised,

IT IS ORDERED that the above-entitled application is hereby denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of March, 1940.

Ray L. Rice
Raymond W. Miller
Rafael W. Stephens
H. H. Miller
Justice J. Casner
COMMISSIONERS