

Decision No. 23249

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GEORGE S. BUTLER, CUTLER S. McLENEGAN, and HAROLD M. HAYS, a copartnership doing business under the firm name and style of EUREKA-GARBERVILLE TRUCK LINE, for the removal of restriction prohibiting the rendering of service to Fortuna, California, in connection with its operation as a common carrier of property for compensation between Eureka and Garberville and intermediate points.)
Application No. 23249)

BY THE COMMISSION:

O P I N I O N

George S. Butler, Cutler S. McLenegan and Harold M. Hays, applicants herein, are now, and have been since March 1939, operating under the fictitious name and style of Eureka-Garberville Truck Line, as a highway common carrier, between Eureka and Garberville and intermediate points. This service was inaugurated under a certificate of public convenience and necessity, originally issued to C. W. Burris ⁽¹⁾ and subsequently acquired ⁽²⁾ by applicants herein, under Commission authority, from successors to Burris. As originally established the service was restricted by a condition providing that no local freight would be transported in connection with the certificate between Eureka and Fortuna and intermediate points.

Applicants now seek an amendment to the above order removing the restriction which prohibits the transportation of property locally between Fortuna and Eureka in connection with their operations now conducted between Eureka and Garberville.

Upon stipulation by applicants that they do not seek to render local service from Eureka or Fortuna to any points intermediate thereto, or to render local service between any points which are

(1) Application No. 4328, Decision No. 7525, dated May 3, 1920.

(2) Application No. 22580, Decision No. 31836, dated March 20, 1939.

intermediate to Eureka and Fortuna, Southern Pacific Company, Northwestern Pacific Railroad Company and Pacific Motor Trucking Company, the only other local public carriers in this field, waived protest to the granting of the application.

As the matter now stands, it would appear to be in the public interest to grant the application as modified. A public hearing does not appear necessary.

O R D E R

IT IS HEREBY ORDERED that Decision No. 7525, dated May 3, 1920, be and it is hereby amended by the elimination therefrom of the restriction as to local service between Eureka and Fortuna and the substitution therefor of the following condition:

No shipment having point of origin and destination between the southern boundary of the city of Eureka and the northern boundary of the town of Fortuna may be transported.

In all other respects Decision No. 7525 shall remain unchanged and in full force and effect.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, April 30, 1940.

Ray J. Caley
Frank H. Hume
Robert W. Hume
John J. Hume
Justus J. Cramer
COMMISSIONERS