

Decision No. 31882

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
PACIFIC MOTOR TRUCKING COMPANY)
for certificate of public con-)
venience and necessity for the)
transportation of property by)
motor truck for other common car-)
riers between Mojave and Saugus)
and intermediate points.)

Application No. 20297

ORIGINAL

R. E. WEDEKIND, for Pacific Motor Trucking Company, applicant and for Southern Pacific Company.

JOHN F. McNEIL, for F. F. Sullivan, doing business as Red Line Express, protestant.

M. S. AMSELL, for Pacific Interurban Transportation Company, protestant.

H. R. BRASHEAR, for Los Angeles Chamber of Commerce, interested party.

BY THE COMMISSION:

O P I N I O N

Pacific Motor Trucking Company by a petition filed October 26, 1939, requested modification of Decision No. 30088 issued in the above-entitled matter as subsequently amended by Decision No. 31882 in the same proceeding. The revision sought is the elimination from the certificate granted Pacific Motor Trucking Company of the following restriction:

"Nor shall applicant transport any property between Saugus and Lancaster, and the points intermediate thereto, having origin or destination in Los Angeles."

Public hearing was held on said petition before Examiner Gorman at Los Angeles December 20, 1939, and at Lancaster January 18, 1940. Evidence was introduced and the matter duly submitted.

A brief narration of the action preceding the filing of the petition for modification appears appropriate.

The original application in this matter, filed by Pacific Motor Trucking Company December 9, 1935, sought a highway common carrier certificate to operate between Saugus, Mojave, and intermediate points, the service to be co-ordinated with and, in part, substituted for rail service of Southern Pacific Company. After public hearing thereon, Decision No. 30088 was issued granting a certificate subject to the restriction that no traffic be carried having both origin and destination in the area between Saugus and Lancaster.

Rehearing was granted thereafter upon petition of F. F. Sullivan, doing business as Red Line Express, a protestant. Following such rehearing Decision No. 31042 was rendered which added two more conditions to the certificate as heretofore granted. One of such conditions, designated as No. 7, prohibited applicant from transporting property having both origin and destination in the territory between Mojave and Rosamond.

Red Line Express again petitioned for rehearing. It was granted and the matter was argued orally before the Commission en banc. Subsequently, Decision No. 31882 was issued which amended Decision No. 31042 by adding to said condition No. 7 the further restriction that applicant shall not transport any property between Saugus and Lancaster having origin or destination in Los Angeles. It is this last part of condition No. 7 that applicant seeks to have eliminated.

The expressed purpose of Pacific Motor Trucking Company in petitioning for removal of the restriction is to enable it to render the same improved, economical rail-truck service to and from the Saugus-Lancaster area in connection with traffic originating at or destined to Los Angeles, that it is authorized to render between Saugus and Lancaster from and to other points in California.

The record shows that service is now provided in what may be termed the restricted area by Southern Pacific Company and Red Line Express, the former by rail and the latter by truck. The present rail service is used principally to transport carload merchandise. Very little less-carload traffic moves by rail. Applicant, a subsidiary of Southern Pacific Company, desires to expedite the rail service by co-ordinating its trucks therewith. The proposed plan of operation contemplates transportation by rail between Los Angeles and Mojave, with distribution by truck between Mojave and Saugus. Such a plan would permit delivery of traffic the next morning after it leaves Los Angeles instead of the second day following departure as is now the case. It appears that while the service applicant desires to inaugurate will considerably lessen the time in transit, to achieve this betterment will cost \$1092 per year more than the expense of the present service. Furthermore, the co-ordinated operation will not be as expeditious as that now rendered by Red Line Express. The latter carrier operates between Lancaster, Los Angeles and certain intermediate points and depends almost entirely upon local traffic for its revenue.

Considerable public witness testimony was presented by both applicant and protestant, Red Line Express. Most of the witnesses had testified at previous hearings in this matter and

they repeated their prior statements in substance. The testimony of the new witnesses was essentially the same as that of those who gave evidence before. Hence, the record as augmented is not materially different from what it was when the Commission determined that said condition No. 7 should be added.

Full consideration of the evidence of record leads to certain factual conclusions. There is not a large volume of less-than-carload traffic moving by rail to the territory in question. The proposed service would cost more to perform than the present Southern Pacific Company service and would cause Red Line Express to lose some of its business. Traffic conditions in the area have not changed substantially since the Commission issued Decision No. 31882 containing the restriction which applicant asks to have eliminated.

The foregoing summation impels the judgment that Pacific Motor Trucking Company has not proven public convenience and necessity for a co-ordinated rail-truck service between Los Angeles and the Lancaster-Saugus district. Therefore, its petition for elimination of the restriction to permit such a service will be denied.

O R D E R

Public hearing having been held and evidence received relative to the petition of Pacific Motor Trucking Company for modification of Decision No. 30088 as amended by Decision No. 31882, and the matter having been submitted and fully considered by the Commission,

IT IS HEREBY ORDERED that said petition for modification be and it is hereby denied.

Dated at San Francisco, California, this 21st day of January, 1941.

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COMMISSIONERS