

Decision No. 34120

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of SOUTHERN PACIFIC COMPANY, a)
corporation, PACIFIC MOTOR TRUCKING)
COMPANY, a corporation, and GUY S.)
ALEXANDER and L.B. LARSON, copartners)
doing business under the firm name and)
style of HIGH SIERRAS TRANSPORT COMPANY,)
for authority to publish joint rates)
and to charge less than the prescribed)
minimum rates between designated points.)

Application No. 23813

BY THE COMMISSION:

Appearances

William Meinholdt for applicants
Lloyd R. Guerra for Western Truck Lines, Ltd.,
Oregon Nevada California Fast Freight, and
Valley Express Company.

O P I N I O N

Applicants seek authority to publish joint rates for the transportation of property between all points on the Southern Pacific Company south of Lone Pine and all points on the Pacific Motor Trucking Company Lone Pine and north, on the one hand, and all points on the High Sierras Transport Company on the other.

The matter was submitted at a public hearing had before Examiner Howard Freas at Bishop on March 27, 1941.

Applicants are in competition with Western Truck Lines, Ltd., a highway common carrier operating a through service by motor vehicle between the points served by High Sierras Transport Company and points in Southern California, and publishing joint rates with Oregon-Nevada-California Fast Freight Inc. and United Motor Transport Lines, Inc. between points served by the Transport Company and San

¹ High Sierras Transport Company operates over the public highways from Bishop, north, to and including Mono Inn.

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Francisco, Oakland, Sacramento and other Sacramento Valley points. From Los Angeles, applicants' service is comparable to that now furnished by its competitor; from Central California, it is materially slower. With two exceptions, the proposed rates are sought for the purpose of equalizing rates now in effect for transportation via Western Truck Lines, Ltd.³ In many instances they are lower than those heretofore established by this Commission as minimum rates. It is not represented that there is a present need for joint rates between all of the points embraced in the application; the extensive authority is sought in order to obviate the necessity of filing other applications if and when movements develop.

The foregoing was shown by the testimony of applicants' rate and operating witnesses. In addition to these witnesses, six people receiving merchandise in the area here under consideration testified in applicants' behalf. The commodities they receive consist largely of such provisions as are required in agricultural and recreational areas and of building materials. There is no evidence of any movement out of this area. Each of the witnesses has used Western Truck Lines, Ltd. On occasion, some have also used the Transport Company, contract carriers, or have done their own hauling. They would give applicants a greater share of their business if they could do so at equal rates. Upon cross-examination, however, each of them expressly stated that the service of the Western Truck Lines, Ltd. was satisfactory.

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The joint rates with the Oregon-Nevada-California Fast Freight Inc. and United Motor Transport Lines, Inc. apply via a route through the State of Nevada and are, therefore, not subject to the minima prescribed by this Commission.

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Applicant proposes the same rates to and from San Jose as to and from San Francisco and Oakland, and likewise the same rates to and from Stockton as to and from Sacramento. Neither San Jose nor Stockton is served by Western Truck Lines, Ltd. or its connections.

Contending that High Sierras Transport Company has no right to transport property other than express; is not now engaged in such transportation; and has no suitable equipment, counsel for Western Truck Lines, Ltd., Oregon-Nevada-California Fast Freight Inc. and Valley Express Company moved for a dismissal of the proceeding in so far as it involves property other than express.

The traffic manager for Western Truck Lines, Ltd. testified that the traffic moving to and from the points involved is very limited and that that carrier can handle considerable more tonnage than it now enjoys without adding to the equipment now used.⁴ Should occasion require, it has other servicable equipment available. Another witness testified that he has used both the Transport Company and Western Truck Lines, Ltd. -the former only on shipments from Bishop- and that both services are satisfactory. Although the granting of this application would give him a choice of two services, he knows of no reason why he should discontinue shipping via Western Truck Lines, Ltd. He does not believe that there is sufficient business for two freight lines.

A review of the decisions creating the operating rights of High Sierras Transport Company discloses that this applicant does not possess an unlimited right for the transportation of property.

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According to this witness the tonnage involved is as follows:

From Southern California-between June 20 and Labor Day-about 4000 pounds for 5 days each week and about 500 pounds, the sixth.
-remainder of the year-an average of not more than 1500 pounds per day.

To Southern California
From the North

-"practically nothing."
-about 3000 pounds per day for 5 days a week during the summer-considerably less in winter. About 1/2 of this originates in Reno, Nevada.

Applicants' witness testified he didn't know if the area consumed one or two tons per day but "had reason to believe" that the tonnage was substantial and would amount to "quite a few thousand pounds during the period of a week."

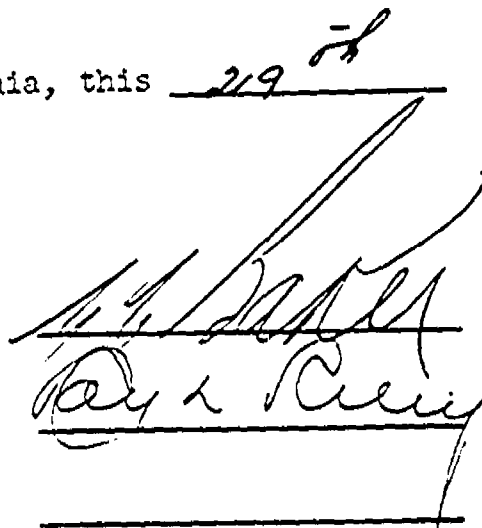
Its right is restricted to the transportation of "passengers and express." According to the record the public is accorded a satisfactory service and there is not now, nor is there likely to be in the predictable future, sufficient tonnage to justify dividing it between two carriers. Under these circumstances the Commission's approval of the proposed joint rates has not been shown to be justified. The application will be denied.

O R D E R

This matter having been duly heard and submitted, full consideration of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the preceding opinion,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 29th day of April, 1941.




Commissioners

~~San Francisco, California~~

~~San Francisco, California~~
~~Commissioners~~