

ORIGINAL

Decision No. 34474

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FRASHER TRUCK CO., HIGHWAY TRANSPORT,)	
INC., and VALLEY MOTOR LINES, INC.,)	
all California corporations, for an)	Application No. 24213
order authorizing said carriers to)	
interchange motor vehicle equipment)	
and express traffic of VALLEY EXPRESS)	
CO., an express corporation, at San)	
Jose, Livermore and Gilroy, California.))	

WILLARD S. JOHNSON, for Valley Motor Lines, Inc. and Frasher Truck Co. and Valley Express Co.

J. F. VIZZARD, for Highway Transport, Inc.

BY THE COMMISSION:

O P I N I O N

By this application, as amended, Frasher Truck Co., Highway Transport, Inc. and Valley Motor Lines, Inc., corporations, highway common carriers as defined in Section 2-3/4 of the Public Utilities Act, ⁽¹⁾ request certification authorizing the interchange, at certain points, of traffic transported by them as underlying carriers for Valley Express Co., an express corporation as defined in Section 2(k) of the Public Utilities Act, and also authorizing the interchange of motor vehicle equipment used in handling this traffic.

(1) For brevity, carriers and applicants involved will be respectively referred to as Frasher, Highway, Valley Motor and Valley Express.

There was no opposition to the application on which a public hearing was held before Examiner Paul at San Francisco on June 25, 1941 at the conclusion of which the matter was submitted subject to the filing of an amended application, since filed, and the matter is now ready for decision.

More specifically, applicants desire authority to interchange equipment when such equipment contains only the express traffic of Valley Express at (1) Gilroy, by and between Valley Motor and Highway, (2) San Jose, by and between Valley Motor, on the one hand, and Frasher and Highway, on the other hand, and (3) Livermore, by and between Valley Motor and Frasher. Applicants also desire authority to interchange the express traffic of Valley Express at the same points and places and between the same carriers.

Under a certificate previously granted by the Commission Valley Motor operates between Fresno and other San Joaquin Valley points, on the one hand, and San Francisco, on the other hand, over two routes. one via Pacheco Pass, Gilroy and San Jose, and the other via Altamont Pass, Livermore and Oakland. Under this right it may not provide service at Gilroy or any point intermediate to Gilroy and San Francisco, nor may it provide service at Livermore. However, it now has authority to

interchange with Highway and Frasher the traffic of Valley Express at San Jose. ⁽³⁾ It has also been authorized recently by the Commission to acquire a highway common carrier operative right between San Francisco and San Jose and intermediate points. ⁽⁴⁾

Among other points Highway provides a highway common carrier service between San Francisco and Soledad and intermediate points via San Jose and Gilroy.

Frasher operates a highway common carrier service in general between Oakland, Livermore and San Jose and intermediate points, subject to certain limitations, as an underlying carrier for express corporations.

Applicants' proposal contemplates the addition of Gilroy and Livermore as points for the interchange of express traffic transported by them for Valley Express; at present, such traffic is interchanged at San Jose and San Francisco only. The proposal also contemplates the interchange of equipment at Gilroy, San Jose and Livermore. Under this proposal applicants do not contemplate the performance of any service directly to the public; it is only as underlying carriers operating under

(3) Interchange of traffic of Valley Express at San Jose between Highway and Valley Motor and between Highway and Frasher was authorized by Decision No. 27385, on Application No. 19580 and Decision No. 30839, as modified by Decision No. 30907, on Application No. 20274, respectively.

(4) Since the certificate between Fresno and San Francisco was granted, the Commission by Decision No. 34349, dated June 24, 1941, in Application No. 24194, authorized Valley Motor to acquire from Pioneer Express Co., a highway common carrier operative right between San Francisco and San Jose and intermediate points. No consolidation of those rights was authorized.

an arrangement with an express corporation that the applicants are now before us.

Under the limitations now existing in the operative rights of Valley Motor, traffic which it transports for Valley Express, originating in the Los Angeles metropolitan district and lower San Joaquin Valley and destined to points on the line of Highway, must be interchanged at San Jose or San Francisco. When that traffic is destined to points south of San Jose and moving through Pacheco Pass and Gilroy it requires a return movement in most cases amounting to twice the distance between San Jose and Gilroy which could be eliminated by interchange at Gilroy. Although traffic originating in the Sacramento and upper San Joaquin Valleys destined to the same points is not subject to that handicap when moving via Altamont Pass and Livermore, when routed via Pacheco Pass, as it often is, it is then also subject to the same handicap as the traffic originating at the more southerly points. Likewise, traffic moving from the Sacramento Valley and upper San Joaquin Valley regions destined to points on the line of Frasher between Livermore and San Jose and Oakland could be interchanged at Livermore, eliminating the round-trip mileage between Livermore and San Jose now required under the present interchange at San Jose.

(5)
On behalf of applicants Harold Frasher testified that under the proposal his companies would be able to effect daily

(5) Harold Frasher is the general manager of Valley Motor and Valley Express and secretary of Frasher Truck Co., which are all affiliated.

savings of approximately \$32.50. This comprises line-haul truck operation amounting to about \$10 and savings in terminal labor expense of about \$22.50. He stated that an improved and more satisfactory service could be provided for the patrons of Valley Express as delays to shipments being carried beyond the proposed transfer points and also over, short and damage claims incidental to the transfer of shipments could be eliminated. He stated that one of the principal interests of applicants is to provide an adequate overnight service between all points served. This could be accomplished under the proposal whereas under the present method of operation delays are encountered which in many cases prevent an overnight service between Los Angeles, Bakersfield and Sacramento territory, on the one hand, and points on the line of Highway south of San Jose, on the other hand.

The benefits and advantages that would accrue to the public and applicants from the proposed interchanges appear to be sufficient to justify our approval of the application. No one opposed granting the authority sought.

Accordingly, we find that the proposed interchange of traffic and of equipment between the applicants at Gilroy, San Jose and Livermore would be in the public interest. The application will, therefore, be granted. As a result of that conclusion, it appears that the interchange authorities heretofore granted by Decisions Nos. 27385, 30839 and 30907 will be superseded by the authority herein granted, that they will have no further value and should be revoked in order to avoid duplication.

O R D E R

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

(1) THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require:

(a) That Valley Motor Lines, Inc., (a corporation), be permitted in the conduct of its operations as a highway common carrier to interchange with Highway Transport, Inc. (a corporation), a highway common carrier, at Gilroy traffic transported by said carriers and their connecting carriers, respectively, as underlying carriers for Valley Express Co., an express corporation, originating at any point or points on the line of one of said carriers, or its connecting carriers, and destined to any point or points on the line of the other of said carriers, or its connecting carriers.

(b) That in the performance of the service described in paragraph (a) hereof, Valley Motor Lines, Inc. and Highway Transport, Inc. be permitted to interchange equipment at Gilroy.

(c) That Valley Motor Lines, Inc. be permitted in the conduct of its operations as a highway common carrier to interchange with Frasher Truck Co., (a corporation), a highway common carrier, and Highway Transport, Inc., a highway common carrier, respectively, at San Jose traffic transported by said carriers and their connecting carriers, respectively, as underlying carriers for Valley Express Co., an express corporation, originating at or destined to any point or points on the line of Valley Motor Lines, Inc., or its connecting carriers, and originating at or destined to any point or points on the lines of Frasher Truck Co. and Highway Transport, Inc., respectively, or on the lines of any carrier connecting with either of them.

(d) That in the performance of the service described in paragraph (c) hereof, Valley Motor Lines, Inc. and Frasher Truck Co., and Valley Motor Lines, Inc. and Highway Transport, Inc., be permitted respectively, to interchange equipment at San Jose.

(e) That Valley Motor Lines, Inc. be permitted in the conduct of its operations as a highway common carrier to interchange with Frasher Truck Co., a highway common carrier, at Livermore traffic transported by said carriers and their connecting carriers, respectively, as underlying carriers for Valley Express Co., an express corporation, originating at any point or points on the lines of one of said carriers, or its connecting carriers, and destined to any point or points on the line of the other of said carriers, or its connecting carriers.

(f) That in the performance of the service described in paragraph (e) hereof Valley Motor Lines, Inc. and Frasher Truck Co. be permitted to interchange equipment at Livermore.

(2) IT IS ORDERED that a certificate of public convenience and necessity be and it hereby is granted to Valley Motor Lines, Inc. for the establishment and operation of service as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, in the respects and to the extent more specifically described in paragraph (1) of this order. This grant is subject to the condition, however, that Valley Motor Lines, Inc., its successors or assigns, will never claim before this Commission or any court or other public body a value for the authority hereby granted in excess of the actual cost thereof.

(3) IT IS FURTHER ORDERED that in the operation of said highway common carrier service pursuant to the foregoing certificate, Valley Motor Lines, Inc. shall comply with and observe the

following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Comply with the rules of the Commission's General Order No. 80, Tariff Circular No. 2 and Part IV of General Order No. 93-A by filing in triplicate and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than ten (10) days' notice to the Commission and the public.

(4) IT IS FURTHER ORDERED that in connection only with the transportation of property as underlying carriers for Valley Express Co., an express corporation, moving from or to any point or points on the line or lines of one of the carriers hereinafter named, or any connecting carrier, from or to any point or points on the line or lines of any other of the carriers hereinafter named, or any connecting carrier:

(a) Valley Motor Lines, Inc. and Highway Transport, Inc. be and they hereby are authorized to interchange traffic at Gilroy, and in connection therewith, in their discretion, to interchange equipment at Gilroy so as to permit the through transportation of such traffic without the transfer thereof from one vehicle to another;

(b) Valley Motor Lines, Inc., on the one hand, and Frasher Truck Co. and Highway Transport, Inc., on the other hand, be and they hereby are, respectively, authorized to interchange traffic at San Jose, and in connection therewith, in their discretion, to interchange equipment at San Jose so as to permit the through transportation of such traffic without the transfer thereof from one vehicle to another;

(c) Valley Motor Lines, Inc. and Frasher Truck Co. be and they hereby are authorized to interchange traffic at Livermore, and in connection therewith, in their discretion, to interchange equipment at Livermore so as to permit the through transportation of such traffic without the transfer thereof from one vehicle to another;

(d) To accomplish such interchange of equipment, said carriers be and they hereby are authorized reciprocally to lease to one another in accordance with General Order No. 93-A such equipment as may be necessary.

IT IS FURTHER ORDERED that the authorities heretofore conferred by the Commission's Decision No. 27385 (Application No. 19580) and Decision No. 30839 as modified by Decision No. 30907 (Application No. 20274) are hereby revoked and annulled.

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

Dated at Los Angeles, California, this 5th day of August, 1941.

[Signature]
[Signature]
Justus J. Calmer
Francis D. Havens
[Signature]
COMMISSIONERS