

Decision No. 34535

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC MOTOR TRUCKING COMPANY, a cor-)
 poration, for a certificate of public)
 convenience and necessity for the trans-)
 portation of property by motor trucks,) Application
 between Clements and Valley Spring, Cali-) No. 23944
 fornia, and for consolidation with present)
 operative rights between Stockton and)
 Martel, California; and for alternate)
 routes between Florin and Elk Grove, and)
 from a point south of Galt to Woodbridge,)
 California, via Acampo.)

F. X. VIERRA, for Pacific Motor Trucking
 Company, Applicant, and Southern Pacific
 Company, an Interested Party.

CRAEMER, COMMISSIONER:

C O P I N I O N

By this application, the Pacific Motor Trucking Company seeks authority (1) to establish motor truck service as a highway common carrier between Clements and Valley Spring, and intermediate points, with the right to perform store-door and pickup and delivery service with line-haul equipment at said points, and (2) to operate existing highway common carrier service over alternate routes between Florin and Elk Grove, and between Galt and Woodbridge as an enlargement of operative rights heretofore granted by Decision No. 29447 in Application No. 20729. (1)

(1) Applicant presently operates as a highway common carrier between Stockton, Martel, Sutter Creek, Anador City and Jackson, via Lodi, Lockeford, Clements and Ione, with lateral rights for a distance of one mile on either side of the highways between said termini, pursuant to Decision No. 25829 in Application No. 13010, as amended; by Decisions Nos. 28027 and 28054 in Application No. 19713, and Decision No. 29700 in Application No. 21123. The operative right between Stockton and Martel originally granted to Pacific Motor Transport Company was subsequently transferred to and acquired by applicant pursuant to Decision No. 26017 in Application No. 18892.

(Cont'd. Page 2)

A public hearing was had in this matter at Valley Spring, at which testimony was received, the matter was submitted on the record and it is now ready for decision. No one appeared in protest to the granting of the authority here sought.

Extension of Service, Clements to Valley Spring

A witness for applicant testified that the Pacific Motor Trucking Company presently operates a truck from Tracy to Jackson via Clements, leaving Tracy at 5 A.M., proceeding thence to Stockton to pick up shipments at that point destined for points intermediate to and including Jackson. The truck leaves Stockton at 5:55 A.M. and serves all intermediate points along the route as far as Martel (a point two miles north Jackson). At Martel, shipments are transferred from the line-haul truck to another truck for handling to certain off-route points. The line-haul truck, after completing its work at Martel returns to Ione to pick up shipments for Clements, leaving Ione at 10:45 A.M. and arriving at Clements at 10:55 A.M. It is proposed by this application to operate this truck beyond Clements to Valley Spring, a distance of 16 miles, serving the intermediate points of Wallace and Helisma with pickup and delivery service en route. Service is proposed to be rendered not only to directly intermediate points along the proposed route, but also to points located one mile laterally on each side of the highway along said route.

(Cont'd.) By Decision No. 29447 in Application No. 20729, the Commission authorized the applicant to operate as a highway common carrier between Lodi and Sacramento, with diversion from the public highways to serve Elk Grove, Florin, Galt, and Acampo, and all stations of the Southern Pacific Company between said termini.

According to the witness applicant intends to use the line-haul truck to render pickup and delivery service, inasmuch as there are no local draymen available for such service at intermediate points.

The witness estimated that the additional cost of operating the new service between Clements and Valley Spring using the present tractor and semi-trailer which operates between Ione and Clements, will be \$1,235 per year. The rates to be charged for the service here proposed would be those published in the applicant's local or joint tariffs now on file with the Commission. In conclusion, the witness stated that applicant desires the new service to be consolidated with the applicant's existing services between Stockton and Martel because a separate operation of the two would be inefficient and unprofitable.

Alternate Routes

Applicant's witness testified next with respect to proposed alternate routes sought herein, (1) between Sacramento and Lodi, and (2) between Galt and Woodbridge. He stated that at the present time applicant operates via Highway No. 99 and serves Florin and Elk Grove by diversion from the main highway. It is here proposed to use an alternate route between Sacramento and Lodi by diversion from Highway No. 99 near Florin, thence via county road due south to Elk Grove and again connecting with Highway No. 99 beyond that city. The proposed new route he said is only 10 miles long while the present route is 12.4 miles. The witness estimated there would be a saving of 10 to 15 minutes per day by use of the shorter route. No new or additional points are proposed to be served over the shorter route.

Between Galt and Woodbridge, the witness stated that applicant operates at the present time by lateral diversion from Highway No. 99 to serve Acampo and Woodbridge. It is proposed herein to operate over an alternate county road diverting from Highway No. 99 below Galt and serving Acampo and Woodbridge directly en route and connecting with Highway No. 99 beyond Woodbridge. The distance via the present route is 13.2 miles and by the proposed route, 10 miles, which will result in a saving of 3.2 miles and proportionately less operating time, the witness said.

A witness for the Southern Pacific Company next testified in support of the proposed truck service between Clements and Valley Spring. In October, 1940, he said, his company handled 176 L.C.L. merchandise shipments, or roughly about seven shipments per working day, into and out of the Valley Spring territory by railroad. The witness asserted that the proposed truck service will effect operating economies in rail service of his company by saving one hour daily in overtime wages of the present train crew which now handles carload traffic between Lodi and Kentucky House (beyond Valley Spring). This saving, he said, would amount to \$2,214 per year, and whereas rail shipments now arrive at Valley Spring at 1:15 P.M., the proposed truck service will give an earlier arrival and will render a store-door pickup and delivery service which is not now performed by the Southern Pacific Company.

Several public witnesses, including managers of two cafes, a meat market, a general merchandise store and the assistant manager of Sears & Roebuck Company, testified at the hearing in support of the application and urged the Commission to authorize the proposed improvement in service and operation of pickup

(2)
and delivery service which the applicant proposes herein.

The evidence with respect to the proposed extension of truck service from Clements to Valley Spring is fairly clear from the record. It appears that the inauguration of the new service will materially improve existing transportation of merchandise shipments by effecting earlier delivery and by performing pickup and delivery service which is not/^{now} accorded to such shipments. Moreover, the estimated additional cost of rendering the new truck service appears to be more than offset by an estimated saving in rail operating costs so that a certain amount of operating economy would be experienced if the proposed service is instituted. The testimony of public witnesses in support of the new service indicates that the proposed operation is necessary in the public interest and will meet their transportation needs more adequately than the present rail service. No other highway common carriers operate between the points here involved for the transportation of general merchandise traffic of the kind and character proposed to be transported by the applicant. (3)

Based upon the foregoing evidence and the conclusions which derive therefrom, I am of the opinion and find that public convenience and necessity require the operation of an automotive truck service by the Pacific Motor Trucking Company between Clements and Valley Spring as an extension of its present

(2) In addition to witnesses who testified at the hearing, counsel for applicant stated there were additional public witnesses from Wallace and Helisma (intermediate points between Clements and Valley Spring) who had signified their support of the proposed service.

(3) A passenger stage corporation operates over the proposed route but handles only express shipments of 100 pounds or less at substantially higher rates than those proposed by applicant herein and this carrier, although regularly notified, did not appear at the hearing.

automotive operations between Stockton and Martel. In addition, I am of the opinion and find that the record supports a conclusion with respect to the proposed rerouting between Florin and Elk Grove, and between Galt and Woodbridge that shows that applicant will effect a saving in mileage operated and running time by use of the alternate routes and, inasmuch as no new points are proposed to be served on said routes, the request of applicant appears to be in the public interest and should be granted.

I recommend the following form of order:

O R D E R

A public hearing having been held in the above-entitled application, evidence having been received thereon, the Commission being fully advised and based upon the findings in the foregoing opinion that public convenience and necessity so require,

IT IS ORDERED that Pacific Motor Trucking Company be and is hereby granted a certificate of public convenience and necessity to operate as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, for the transportation of property between Clements and Valley Spring and intermediate points located laterally one mile on each side of the highway between said points as an enlargement of operative rights heretofore granted to Pacific Motor Trucking Company, as hereinafter set forth, subject to the condition that said Pacific Motor Trucking Company, 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.

IT IS FURTHER ORDERED that Decision No. 29447 in Application No. 20729 be and it is hereby amended to authorize Pacific Motor Trucking Company to engage in automotive service as a highway common carrier over the following alternate routes:

- (1) Between Florin and Elk Grove via direct county road.
- (2) Between Galt and Lodi by diversion from Highway No. 99 and county road to Acampo and Woodbridge, thence returning to Highway No. 99 at Lodi.

IT IS FURTHER ORDERED,

- (1) that the operative right herein granted to Pacific Motor Trucking Company for an extension of service between Clements and Valley Spring be and it is hereby consolidated with the present operative rights of that carrier granted by Decision No. 25289 in Application No. 18010 and by Decisions Nos. 28027 and 28054 in Application No. 19713 and by Decision No. 29700 in Application No. 21123;
- (2) that the alternative routes herein authorized between Florin and Elk Grove and between Galt and Woodbridge be and they are hereby consolidated with the present operative right of the Pacific Motor Trucking Company granted by Decision No. 29447 in Application No. 20729.

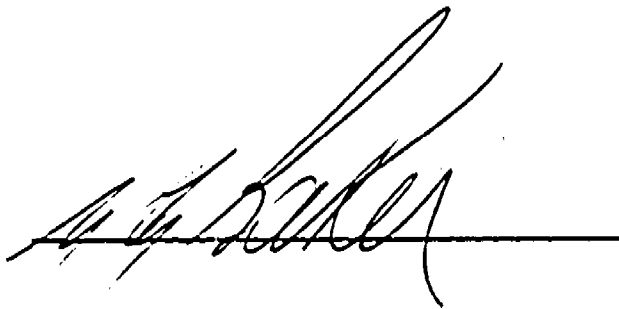
IT IS FURTHER ORDERED that in the exercise of the operating right and authority herein granted, the Pacific Motor Trucking Company shall comply with the following service regulations:

- (1) File a written acceptance of the certificate of public convenience and necessity herein granted within thirty (30) days from the effective date of the order herein.
- (2) Comply with the rules of the Commission's General Order No. 80 and with Part IV of the Commission's General Order No. 93-A, by filing in triplicate tariffs and time schedules as required by such rules in a form satisfactory to the Commission within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.
- (3) Subject to the right of the Commission to change said route at any future time, applicant shall conduct the operations herein authorized between Clements and Valley Spring over California State Highway No. 12.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 19th day of August, 1941.



Justin F. Gallen
Francis L. Havenner

COMMISSIONERS