

Decision No. 34657

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PACIFIC MOTOR TRUCKING COMPANY)
for a certificate of public con-)
venience and necessity to operate)
motor trucks over the public high-)
ways between Los Angeles, Glendale)
and Burbank, and between Los Angeles)
and Alhambra, in Los Angeles County,)
California.)

Application No. 21083

BY THE COMMISSION:

OPINION AND ORDER ON REQUEST FOR REHEARING

By Decision No. 34274 of June 3, 1941, in the above entitled proceeding, the Commission granted to Pacific Motor Trucking Company a certificate for the establishment and operation of an automotive service as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, between Los Angeles, on the one hand, and Glendale, Burbank and Alhambra on the other. By specific restrictions contained in the order the service applicant has been authorized to perform is limited to "the transportation of shipments which it receives from or delivers to the Southern Pacific Company and Pacific Electric Railway Company, or either of them, and to shipments which it transports for express corporations."

Pacific Freight Lines, Bekins Van Lines, Inc., Lyon Van Lines, and California Van & Storage Association seek a rehearing of said Decision No. 34274.¹ Collectively, petitioners contend that the decision does not discuss the evidence or explain the reasons for

¹ California Van & Storage Association and Bekins Van Lines, Inc. seek as an alternative modification of Decision No. 34274.

the conclusions reached; does not conform to and is contrary to the evidence; is contrary to law; and does not indicate that proper consideration has been given to many of the points raised by them. Petitioners other than Pacific Freight Lines object to the grant only in so far as it permits the transportation of uncrated used household goods.

A review of the decision indicates that the filing of the petitions may, to a large extent, have been induced by a misapprehension of the nature of the grant. It is contended that by the decision applicant is permitted to institute a new service for the transportation of local traffic between Los Angeles and Alhambra, Burbank and Glendale. As has been pointed out, the grant is definitely and specifically restricted to the transportation of shipments applicant receives from or delivers to the Southern Pacific Company and Pacific Electric Railway Company, or either of them, and of shipments transported for express corporations. Nowhere in the order is there any language from which it can be concluded that applicant is authorized to transport strictly local shipments between the points involved. There are, however, certain statements in the opinion which precedes the order which may well have indicated to petitioners an intention on the part of the Commission to convey a broader grant than that actually conferred. The opinion will be modified.

The Commission has considered said petitions for rehearing and each and every allegation therein contained and is of the opinion that no good cause for the granting of a rehearing is therein made to appear. The certificate in issue was granted in order that Southern Pacific Company and Pacific Electric Railway Company might substitute highway service for rail service for the transportation of all property which they are authorized to transport. Although the

rail lines do not ordinarily transport unpacked or uncrated household goods they do, on occasion, perform such transportation under penalty rates. Unless and until the rail lines amend their tariffs so as to make them competitive with highway carriers the latter cannot suffer. The propriety of such an amendment may well be determined if and when it is proposed. We see no reason why such a restriction should be imposed at this time.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that said petitions for rehearing be and they are hereby denied.

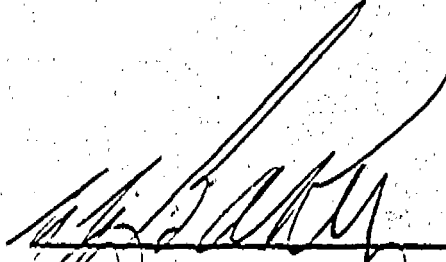
IT IS HEREBY FURTHER ORDERED that Decision No. 34274 of June 3, 1941, in the above entitled proceeding be and it is hereby modified as follows:

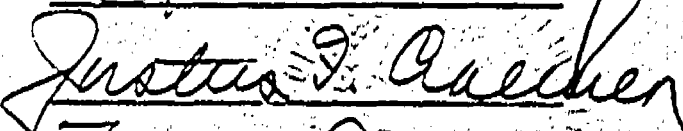
1. In the second last sentence of the fourth last paragraph of the opinion (line 5, page 549 of the printed decision) after the word "relief," substitute a comma for the words "as herein proposed."
2. In the last sentence of the fourth last paragraph of the opinion (line 8, page 549) delete the word "local."
3. In the first sentence of the third last paragraph of the opinion (lines 19, 20, 21 and 22, page 549) substitute for the words "Whereon there could be transported such local traffic as may be available, utilizing for this purpose a morning schedule for out-bound traffic and an afternoon schedule for inbound traffic" the following: "limited, as in the case of traffic originating at or destined to points beyond Los Angeles, Alhambra, Burbank or Glendale, to the transportation of shipments received from or delivered to the Southern Pacific Company and Pacific Electric Railway Company, or either of them, and moving under joint rates, and to shipments transported for express corporations."


IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 34274 of June 3, 1941, in the above entitled proceeding shall remain in full force and effect.


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

Dated at San Francisco, California, this 7th day of October, 1941.



Roy L. Keim


Justice J. Quacken


Francis L. Havens


Charles R. ...

Commissioners