

ORIGINAL

Decision No. 34704

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VALLEY MOTOR LINES, INC., for a certificate of public convenience and necessity to transport property as a highway common carrier between various points and places in California, on the one hand, and the U. S. Merced Airport and the Sacramento Air Depot, on the other hand.)
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) Application No. 24497
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BY THE COMMISSION:

O P I N I O N

Valley Motor Lines, Inc., a corporation, here seeks first, authority to establish and operate an on-call highway common carrier service between Merced and the United States Merced Airport, ⁽¹⁾ as an extension and enlargement of and consolidated with its existing highway common carrier operative rights ⁽²⁾ as heretofore authorized, defined, and restricted by Decisions Nos. 23949 and 24289, on Application No. 16176, and Decisions Nos. 27898 and 30843, on Application No. 18237; and, second, for a finding by the Commission that Valley

(1) Situated 1.7 miles west of U. S. Highway No. 99 between the cities of Merced and Atwater.

(2) Generally, between the San Francisco Bay Region, Sacramento, Stockton and French Camp, on the one hand, and points in the San Joaquin Valley situated on U. S. Highway No. 99 between Manteca and Fresno (both points inclusive), on the other hand, as well as points on the west side of the San Joaquin Valley between Vernalis and Fresno (both points inclusive).

Motor Lines, Inc. possesses a certificate of public convenience and necessity as a highway common carrier between Sacramento and Auburn and intermediate points, ⁽³⁾ via specific roads and highways or, in the alternative, that the Commission authorize Valley Motor Lines, Inc. to operate as a highway common carrier between said termini and over said specific roads and highways for the express purpose of providing service to and from the Sacramento Airport of the United States Government located thereon.

Applicant's proposal with respect to the establishment of service between Merced and Merced Airport is predicated upon an alleged public need for highway common carrier facilities to and from the airport which is now under construction by the United States Government as part of the National Defense Program. It is anticipated that demands for service will endure throughout the current construction period of the airport and that there will thereafter continue to be a substantial movement of freight to and from this point.

In regard to applicant's request in connection with its operations between Sacramento and Auburn and intermediate points, it appears that, while no specific route was named in the original grants to applicant's predecessors either as to line-haul route between termini or with respect to route of egress from Sacramento, named intermediate points between said termini clearly indicated the use of U. S. Highway No. 40 as contended by applicant. This leaves only the matter of clarification of the route immediately out of Sacramento and,

(3) Acquired from United Motor Transport Lines by Decision No. 34125, dated April 29, 1941, on Application No. 24060.

according to applicant, the route set forth in its instant application has been constantly used since the inception of the service.

It appears that in the public interest applicant should be granted authority to serve the United States Merced Airport as prayed for and should likewise have its route of operation between Sacramento and Auburn and intermediate points confirmed. It would appear appropriate to accomplish such confirmation by service regulation. The following order will so provide.

O R D E R

This matter having been fully considered by the Commission and it having been found as a fact that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Valley Motor Lines, Inc. for the establishment and operation of a highway common carrier service, as such is defined in Section 2-3/4 of the Public Utilities Act, between Merced and the United States Merced Airport, as an extension and enlargement of and consolidated with its existing rights as heretofore granted by Decisions Nos. 23949, 24289, 27898 and 30843.

IT IS FURTHER ORDERED that, in the operation of said highway common carrier service, 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 date hereof.

2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said highway common carrier service over and along county road.
3. Comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing tariffs and time schedules in conformity therewith in triplicate 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.

The foregoing certificate is granted subject to the condition that Valley Motor Lines, Inc., its successors or assigns, may 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, in the operation of its highway common carrier service between Sacramento and Auburn and intermediate points, applicant shall hereafter observe the following service regulation:

Subject to the authority of this Commission to change or modify such at any time by further order, conduct said highway common carrier service over and along the following route:

Via U. S. Highway No. 40 between Sacramento and Auburn and also via U. S. Highway No. 40 from Sacramento to Ben Ali; thence easterly via county road to Madison Avenue; thence southwesterly via Madison Avenue to U. S. Highway No. 40; thence via U. S. Highway No. 40 to Auburn.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 28th day of October, 1941.

[Handwritten signatures of four commissioners]

 COMMISSIONERS