

Decision No. 35148

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC MOTOR TRUCKING COMPANY, a )  
corporation, for a certificate of )  
public convenience and necessity for )  
the transportation of property by )  
motor truck between Marysville, )  
Ostrom, and Wheatland, on the one )  
hand, and the Marysville Army )  
Cantonment, on the other hand. )

ORIGINAL

Application No. 24548

E. I. VAN DELLAN JR., for Pacific Motor Trucking Company, applicant, and for Southern Pacific Company, intervener on behalf of applicant.

L. N. BRADSHAW, for Western Pacific Railroad Company and Sacramento Northern Railway, interested parties.

WILLARD S. JOHNSON, for Valley Motor Lines, Inc., interested party.

W. G. STONE, for Sacramento Chamber of Commerce, interested party.

BY THE COMMISSION:

SUPPLEMENTAL OPINION

By Decision No. 34805, rendered in this proceeding December 2, 1941, a certificate of public convenience and necessity was granted to Pacific Motor Trucking Company, a corporation, the applicant herein, authorizing a service as a highway common carrier as defined by Section 2-3/4, Public Utilities Act, between Marysville, Ostrom and Wheatland, on the one hand, and Marysville Army Cantonment, on the other hand. The service was limited to that which would be auxiliary to, or supplemental of, the rail service of Southern Pacific Company and to service performed as an underlying carrier for any express corporation permitted to operate between these points. All

shipments, it was provided, should be confined to those received from, or delivered to, Southern Pacific Company, and to those transported for any such express corporation, and should receive, in addition to the movement by applicant, a prior or a subsequent movement by rail. <sup>(1)</sup> By its petition filed herein January 16, 1942, Pacific Motor Trucking Company sought the modification of Decision No. 34805 so as to permit the transportation of local traffic.

At a public hearing held before Examiner Austin, at Marysville, on March 3, 1942, evidence in support of the application was offered by applicant's officials and by public witnesses. Certain carriers serving this territory, and the Sacramento Chamber of Commerce, appeared as interested parties. No one protested the granting of the application.

As has been stated, Decision No. 34805, in its present form, restricts applicant to the handling of traffic which shall have had, or which may receive, in addition to the movement by applicant, a prior or a subsequent movement by rail. Consequently, applicant may not transport traffic moving locally between

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(1) Decision No. 34805 provided that the certificate therein created was granted subject to the following conditions, among others:

"(a) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of the rail service of Southern Pacific Company, and to service rendered as an underlying carrier for any express corporation authorized to operate between the points which applicant is herein authorized to serve.

"(b) Applicant's service shall be limited to the transportation of shipments which it may receive from or deliver to Southern Pacific Company, and to shipments which it may transport for any express corporation described in paragraph (a) hereof. All of said shipments shall receive, in addition to the movement by applicant, a prior or subsequent movement by rail."

the Cantonment and the railheads such as Marysville, Ostrom or Wheatland, or originating at any other point not affected by a similar restriction, which applicant itself now serves.

The Marysville Army Cantonment, situated about ten miles east of Marysville and approximately four miles north and east of Ostrom, is reached by highways diverging at Wheatland and at Ostrom from U. S. Highway 99-E. To provide the service now authorized, applicant proposes to maintain certain equipment at Marysville. Applicant anticipates it will be offered traffic originating locally at Marysville, Wheatland, and adjacent communities it is now authorized to serve; and at other points within the state, including similar military establishments. Its experience in serving these bases indicates that a substantial share of the carload rail traffic arriving at Marysville and Wheatland would lack definite shipping instructions for the movement beyond those points. Because of the restrictions imposed by its certificate, applicant could not handle this traffic to the cantonment, and consequently, the shippers would be required to arrange for other means of transportation. Moreover, because of these restrictions, shipments stored at Marysville or Wheatland awaiting ultimate movement to the cantonment could not be handled.

That there would be a substantial volume of traffic moving locally from Wheatland and Marysville to the cantonment was established by the testimony of merchants engaged in business in these communities. A need exists, they asserted, for a transportation service to handle this tonnage. The record justifies the removal of the restriction.

To permit more flexible service, applicant will be

authorized to operate over all available routes between the railheads and the cantonment, in addition to those specifically described.

### O R D E R

Supplemental application having been made as above-entitled, a public hearing having been had, evidence having been received, the matter having been submitted, and the Commission being now fully advised:

#### IT IS ORDERED:

(1) That Decision No. 34805, made and rendered in the above-entitled proceeding on December 2, 1941, be and it hereby is modified as follows:

- (a) That conditions (a) and (b), appearing on page three of the mimeographed decision, subject to which the certificate therein described was granted, be and they are, and each of them is hereby stricken from the order contained in said decision.
- (b) That in addition to the routes described in paragraphs (i) to (v) inclusive, in paragraph 3 of the service regulations, appearing on page four of the mimeographed decision, said Pacific Motor Trucking Company shall be and it hereby is authorized to conduct said highway common carrier service, pursuant to the certificate granted by said decision, over and along the following routes:
  - (vi) Over any and all public highways open and available to truck operation between Marysville, Wheatland and Ostrom, respectively, and the Marysville Army Cantonment,

(2) That in all other respects, said Decision No. 34805 shall remain in full force and effect.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of March, 1942.

Justus F. Cameron  
Ray L. Carey  
J. J. Baker  
Francis R. Havenner  
Richard Macke  
COMMISSIONERS