

Decision No. 35309

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 operate as a high-way common carrier between Rio Vista, California, and Avon, California, and intermediate points as an extension and enlargement of certain of its existing rights.

ORIGINAL

Application No. 24547

BY THE COMMISSION:

O P I N I O N

This amended application was filed by Valley Motor Lines, Inc. requesting authority to establish and operate a highway common carrier service between Rio Vista, Avon and all intermediate points, as an extension and enlargement of, and consolidation with, its existing operative rights.

By Decision No. 33687, on Application No. 23787, Valley Motor Lines, Inc. acquired, through purchase from Beverly Gibson, an operative right for the transportation of property as a highway common carrier between Sacramento and Rio Vista and intermediate points, said operative right having been created by Decision No. 24147, on Application No. 14026.

By Decision No. 33780, on Application No. 23855, Valley Motor Lines, Inc. acquired, by purchase from Overland Transfer Company, the right to operate a similar service between Stockton and Lodi and intermediate points, which right was subsequently extended between said points, on the one hand, and Thornton, Walnut Grove, Ryde, Grand Island and Rio Vista, on the other hand.

The operative right thus transferred by Overland Transfer Company was acquired by Decision No. 28994, on Application No. 20654 and the subsequent extension and enlargement was effected by Decision No. 33047, on Application No. 23061.

By way of justifying extension of the service herein proposed, applicant alleges that there is a substantial volume of traffic moving between the points proposed to be served, and between such points, on the one hand, and other points north and east of Sacramento and south of Stockton, now served by applicant, on the other hand. A portion of such traffic is now moving over the lines of applicant, in the custody of Valley Express Company, jointly with The River Lines from and to Pittsburg and Antioch. That under said joint arrangement with The River Lines, said traffic is delayed one shipping day at the point at which such traffic is interchanged with The River Lines.⁽¹⁾ Applicant maintains that the granting of the instant application will eliminate such delay to the benefit of the shipping and receiving public.

Copies of the application, as amended, were served on all carriers who might be affected by the granting of the proposed extension. In view of certain restrictions included in, and made a part of the order herein, all interested carriers were agreeable

(1) Traffic is hauled by The River Lines into Oakland on a southbound movement over applicant's route and delivered to them at Oakland, where said traffic is held over for that day for departure that night, causing second-day delivery at any point in the system. Traffic originating in Southern California, to the territory above mentioned, is brought into San Francisco where it is turned over to The River Lines for departure leaving that night, making for second-day delivery out of that territory.

to the granting of the application and written waivers of protest are on file as to each such carrier.

After full consideration of the matter the Commission is of the opinion that the proposed service is in the public interest. There appears to be no necessity for a public hearing and the application will be granted.

O R D E R

Application having been filed in the above-entitled matter, and the Commission being duly advised, and hereby finding that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Valley Motor Lines, Inc. authorizing operation as a highway common carrier, as such term is defined in Section 2-3/4 of the Public Utilities Act, between Rio Vista and Avon and intermediate points, as an extension and enlargement of its existing operating rights subject to the following restrictions:

1. The authority herein granted shall include only the right to transport, or participate in the transportation of, property having its origin or destination beyond and south of Stockton or San Francisco.

2. The service herein authorized shall exclude the transportation of uncrated household goods and office and store fixtures, as defined in Item 40(a) of City Carriers Tariff No. 3, Highway Carriers Tariff No. 4, being Appendix A of Decision No. 32325, when uncrated as defined in Item 11(p) thereof.
3. Applicant shall not transport property moving between Stockton or Sacramento, or at any point intermediate between Stockton or Sacramento and Antioch, excluding Antioch, on the one hand, and Antioch, Pittsburg, Port Chicago and Avon, and all intermediate points between Antioch and Avon, California, on the other hand. Nor shall applicant transport property moving between points north or east of Sacramento, on the one hand, and points between Rio Vista and Avon, including Avon, on the other hand.
4. 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 the 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 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 five (5) days' notice to the Commission and the public.
3. Conduct said highway common carrier service over and along the following routes subject to the authority of the Railroad Commission to change or modify them at any time by further order:

"From Rio Vista via California Highway 24 to its intersection with an unnumbered highway four miles west of Pittsburg, California; thence from said intersection over and along said unnumbered highway through Fort Chicago to Avon, California, and return over the same route."

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

Dated at San Francisco, California, this 5th day of March, 1942.

Justus J. Calver
Ray L. Pacey
H. B. Allen
Francis V. Havens
Richard L. Locke
COMMISSIONERS