

Decision No. 35587

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 convenience and)
necessity to operate motor vehicles)
over the public highways between the)
stations of Tracy and Merced, Tracy)
and Los Banos, and between Fresno and)
Dos Palos on the line of the Southern)
Pacific Company.)

Application No. 19598

ORIGINAL

BY THE COMMISSION:

FIFTH SUPPLEMENTAL OPINION

Pacific Motor Trucking Company, a corporation, applicant in the above-entitled Fifth Supplemental Application is now providing a highway common carrier service between the railroad stations located on the lines of Southern Pacific Company, among others, from Tracy to Vernalis as more particularly set forth in Decision No. 27744, dated February 11, 1935. In the conduct of that operation and in addition to other routes, applicant operates over California State Highway No. 33 which is adjacent to Lyoth, California, station on the railroad of Southern Pacific Company, intermediate between Tracy and Vernalis. In the above-entitled Fifth Supplemental Application, applicant requests a certificate of public convenience and necessity authorizing it to serve Lyoth and all points within a radius of one mile of the Southern Pacific Station thereat as an extension and enlargement of the operative right heretofore created by Decision No. 27744.

Applicant proposes to perform that service in connection with the service of Southern Pacific Company under joint rate arrangements with appropriate tariffs setting forth the minimum rates prescribed by the Commission in its Decision No. 31606, as

amended. The proposed service would be auxiliary to and supplemental of the rail service of Southern Pacific Company.

As justification for the authority sought, applicant alleges, in substance, that a United States Army Quartermaster Supply Depot is being established adjacent to the Southern Pacific Company's station at Lyoth. It is further stated that the customary facilities are now in the course of construction at this depot in connection with which there is a present need for the transportation of materials and supplies.

No other common carrier now serves this point. This is a matter which does not appear to justify a public hearing and one which should be granted. Such will be the order.

FIFTH SUPPLEMENTAL ORDER

An application having been made and the Commission being of the opinion 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 Pacific Motor Trucking Company, a corporation, authorizing the establishment and operation of service as a highway common carrier, as defined in section 2-3/4 of the Public Utilities Act, between Tracy and Lyoth and points within a radius of one mile of the Southern Pacific Company's rail station at Lyoth as an extension and enlargement of its operative right heretofore created by Decision No. 27744, dated February 11, 1935, subject to the following conditions:

1. Pacific Motor Trucking Company, its successors or assigns, shall 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.

- 2. No shipment may be transported under the authority herein granted unless it shall have had, or will have, a prior or a subsequent haul over the rail lines of Southern Pacific Company and is received by or delivered by applicant at a rail station of said company.

IT IS FURTHER ORDERED that in the conduct of operations, pursuant to the foregoing certificate, the following service regulations shall be observed:

- 1. Applicant shall 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. Applicant shall 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. Applicant shall conduct said highway common carrier service over and along the most appropriate route between the points authorized to be served subject to the authority of the Commission to change or modify them at any time by further order.

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

Dated at San Francisco, California, this 14th day of July, 1942.

Justus J. Coe
Ray L. Green
W. B. ...
Francis J. ...
Richard ...
 COMMISSIONERS