

ORIGINAL

Decision No. 25590

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 to all points within)
 seven miles of the City of Livermore,) Application No. 24997
 California, and to the town of Robert)
 and the town of Russell, California,)
 as an extension and enlargement of)
 applicant's existing rights.)

BY THE COMMISSION:

O P I N I O N

Pacific Motor Trucking Company has filed its application with the Commission for a certificate of public convenience and necessity for the transportation of property by motor truck to all points within seven miles of the city of Livermore, and to the towns of Robert and Russell, as an extension and enlargement of its existing rights.

The operating right which it is proposed to extend was originally acquired by Oakland-San Jose Transportation Co., a corporation, by Decision No. 23595, dated April 13, 1931, on Application No. 16707, and as amended by Decision No. 23711, dated May 18, 1931.

Subsequently, in Decision No. 27549, dated November 26, 1934, on Application No. 19706, the Commission made its order approving the sale and transfer of this operating right to Pacific Motor Trucking Company, the applicant herein.

The right granted to Oakland-San Jose Transportation Co.

authorized an operation as a highway common carrier of property to the city of Livermore, and between San Leandro and Mt. Eden, over California Highway No. 17, which route passes in close proximity to the towns of Robert and Russell. Applicant now requests authority, in addition to the points permitted to be served by Decisions Nos. 23595 and 23711, to serve all points within seven miles of the city of Livermore, and the towns of Robert and Russell, including authority to perform store-door pickup and delivery service with equipment engaged in line-haul transportation at all of said points and a mile radius of the railroad stations at Robert and Russell.

Applicant relies on these circumstances as justification for the proposed extension:

1. That there are several industries, including wineries, located within a radius of seven miles of the city of Livermore, none of which is served by any authorized common carrier by motor vehicle, except Valley Motor Lines, Inc.
2. That there is under construction at a point within seven miles of the city of Livermore an air base for the use of the United States Navy in connection with the current war effort, and to and from which there will naturally be a substantial flow of traffic.
3. That there is no common carrier by highway serving either Robert or Russell, and that there are industries connected with our war activities in these localities.

Other carriers operating within this area who might be interested were served with copies of this application, and expressed themselves in letters to the Commission as having no objection to the granting of the application.

The Commission is of the opinion that the proposed service is a necessary one and that a public hearing is not required in the matter. The application will be granted.

O R D E R

Application having been filed and it having been found 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 authorizing it to extend its service as a highway common carrier between the city of Livermore and all points within seven miles thereof, and between Livermore and all points within seven miles thereof and Robert and Russell, and points within a radius of one mile of the Southern Pacific stations at Robert and Russell, as an extension and enlargement of the operative right created by Decision No. 27549, as amended by Decision No. 27559, subject to the following condition:

Pacific Motor Trucking Company, 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 said highway common carrier service, Pacific Motor Trucking Company 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 in serving the town of Robert and the town of Russell, subject to the authority of the Railroad Commission to change or modify them at any time by further order:

- a. From the junction of California State Highway No. 17 with an unnumbered County road known as Lewelling Boulevard, via Lewelling Boulevard to Robert, California; and
- b. From the junction of California State Highway No. 17 with an unnumbered County road known as Russell City Road, via Russell City Road to Russell, California.

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

Dated at San Francisco, California, this 21st day of July, 1942.

Justus J. Galloway
Ray H. Rice
M. B. Baker
Francis R. Havener

COMMISSIONERS