

ORIGINAL

Decision No. 25613

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 VALLEY MOTOR LINES, INC., a California)
 corporation, for a certificate of)
 public convenience and necessity to)
 extend its operations as a highway)
 common carrier between Modesto and)
 Escalon, on the one hand, and on the) Application No. 25058
 other hand, the plant of Defense Plants)
 Corporation, situated approximately)
 eight miles northeast of Modesto and)
 approximately eight miles southeast)
 of Escalon.)

BY THE COMMISSION:

O P I N I O N

Valley Motor Lines, Inc, now provides a service as a highway common carrier between Modesto and Escalon and other points. In the above entitled application it seeks a certificate of public convenience and necessity for the establishment and operation of a highway common carrier service between Modesto and Escalon, on the one hand, and the plant of Defense Plants Corporation situated at the intersections of Claus Road, Terminal Avenue and Clarabelle Avenue approximately eight miles northeast of the city of Modesto and approximately the same distance south-east of Escalon.

As justification for the authority sought applicant alleges as follows:

(a) The Defense Plants Corporation has selected a site at the intersections of Clarabelle Avenue, Terminal Avenue and Claus Road upon which to erect a manufacturing and/or processing plant for the production of aluminum. Applicant is informed and believes and based upon such information and belief alleges that the plant will be operated by the Aluminum Corporation of America.

(b) Applicant is informed and believes and based upon such information and belief alleges that construction of said plant will commence within the next few days and that there will be a substantial volume of traffic moving from and to said plant during the period of plant construction and operation.

(c) Insofar as applicant knows there is no highway common carrier service available from and to the plant of Defense Plants Corporation proposed to be served in this application, although the site is closely adjacent to the right of way of The Atchison, Topeka & Santa Fe Railway Company.

(d) That the plant of Defense Plants Corporation proposed to be served in this application will be operated in the interest of the present national war effort and, consequently it is of the utmost importance that both rail and highway common carrier facilities be made available.

After due consideration of the record herein we are of the opinion and so find that public convenience and necessity require the establishment and operation of the proposed service and that the application should be granted. This does not appear to be a matter in which a public hearing is necessary and based upon the foregoing finding the application will be granted.

ORDER

It being found 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., a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined in section 2-3/4 of the Public Utilities Act, between Modesto and Escalon, on the one hand, and the plant of Defense Plants Corporation situated at the intersections of Claus Road, Terminal Avenue and Clarabelle Avenue approximately eight miles northeast of Modesto and approximately eight miles southeast of Escalon, on the other hand.

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 operations pursuant to the foregoing certificate shall be conducted subject to the following service regulations:

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. Subject to the authority of this Commission to change or modify them at any time by further order applicant shall conduct said operations over and along any available and appropriate route or routes.

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

Dated at Los Angeles, California, this 28th day of July, 1942.

Justin F. Calver
John L. Rice

Frank R. Havens
Richard S. ...
COMMISSIONERS