

ORIGINAL

Decision No. 35910

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PORT SAN LUIS TRANSPORTATION CO. to)
 abandon its narrow gauge railroad)
 line from Port San Luis to the City)
 of San Luis Obispo in the County of) Application No. 25292
 San Luis Obispo, and for certificate)
 of public convenience and necessity)
 to operate truck line in substitution)
 for the rail service.)

BY THE COMMISSION:

O P I N I O N

Port San Luis Transportation Co. has applied for authority to abandon its line of narrow gauge railroad between San Luis Obispo and Port San Luis in San Luis Obispo County. It also requests a certificate of public convenience and necessity authorizing the establishment and operation of service as a highway common carrier between the same points over a closely paralleling highway route in substitution of the rail service.

The railroad to be abandoned consists of approximately twelve miles of main line extending from Port San Luis to San Luis Obispo, and certain spur and industrial trackage at the line termini. It is the last remaining segment of the Pacific Coast Railway Company trackage and was acquired by applicant in March of this year. On-call service has been furnished and freight moved consists principally of that to and from the Union Oil Company wharf at Avila and of a fish cannery at Port San Luis, transferring to Southern Pacific Company at San Luis Obispo. The traffic is extremely light, the total movement for the six-months period ending August 31, 1942, being but 320 tons, or 15 carloads.

Operating revenue for the period was \$513.65, while operating expenses were \$8,589.68.

It is apparent that this traffic can be handled by truck over highways that are parallel to the railroad, and substantial savings in operating expenses result.

The highway common carrier service applicant proposes to establish would be on-call to serve the needs of the public between San Luis Obispo and Port San Luis and intermediate points, except that no service is proposed along U. S. Highway No. 101 between San Luis Obispo and the junction of said U. S. Highway No. 101 and the county road approximately 2½ miles northeasterly of Avila. Service along this highway is now provided by Pacific Freight Lines and Valley and Coast Transit Company. The latter company also serves Avila. These carriers have indicated that they would not object to the granting of the application if restricted as proposed. This is not a matter in which a public hearing appears to be necessary. The application will be granted subject to that restriction.

O R D E R

IT IS ORDERED that Port San Luis Transportation Co. is hereby authorized to abandon operations of its entire line of narrow gauge railroad, as described in the application; to remove all tracks and railroad facilities; and to cancel all tariffs and schedules pertaining thereto, coincident with the establishment of highway common carrier service as hereinafter authorized provided that within thirty (30) days thereafter, applicant shall report the abandonment and removal, as authorized, to this Commission.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity is hereby granted to Port San Luis Transportation Co. 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 San Luis Obispo and Port San Luis and intermediate points subject to the following restriction and condition:

1. No local service shall be rendered along U. S. Highway No. 101 between its junction with the county road near San Luis Obispo Creek and San Luis Obispo.
2. Port San Luis Transportation Co., its successors or assigns, may never claim before this Commission or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it in securing said operative authority.

IT IS FURTHER ORDERED that in the operation of highway common carrier service, 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 one (1) day's notice to the Commission and the public.
3. Applicant shall conduct said highway common carrier operation over and along the following route subject to the authority of the Commission to change or modify it at any time by further order:

Over and along U. S. Highway No. 101
between San Luis Obispo and the junction
of said U. S. Highway No. 101 and the
county road near San Luis Obispo Creek,
thence over said county road to Port San
Luis.

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

Dated at San Francisco, California, this 30th day
of October, 1942.

Justus J. Gallivan

W. J. Baker

Francis R. Havens

Richard K. Kachse

COMMISSIONERS