

ORIGINAL

Decision No. 35979

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PETE BORDENAVE and GARRETT W. BECKLEY,)
co-partners, doing business under the)
firm name and style of BORDENAVE &)
BECKLEY, for a re-examination of its)
operations conducted pursuant to the)
authority of Decision No. 34365, and)
for authority to abandon such of said)
operations as do not require a certifi-)
cate of public convenience and)
necessity.)

First Supplemental
Application No. 24284

BEROL & HANDLER, by E. M. Berol, for
applicant.

CALIFORNIA CATTLEMEN'S ASSOCIATION, by
John Curry, interested party.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

In this proceeding Pete Bordenave and Garrett W. Beckley, partners, engaged as highway common carriers of livestock, request the authority of the Commission to abandon a portion of their present operative rights as more particularly described hereinafter. A public hearing thereon was had before Examiner Paul at the conclusion of which the matter was submitted.

A history of the operative right involved is as follows. By Decision No. 32673, dated December 19, 1939, on Application No. 22372, the Commission granted to Pete Bordenave a certificate of public convenience and necessity authorizing the transportation of livestock, with certain exceptions, between all points upon and along the following described routes with the right to make lateral departures therefrom within a radius of fifty miles of said routes:

1. U. S. Highway No. 101 between Salinas and Eureka;
2. U. S. Highway No. 99 between Los Angeles and the Oregon State Line north of Hornbrook;
3. U. S. Highway No. 50 between San Francisco and Sacramento;
4. U. S. Highway No. 40 between San Francisco and the Nevada State Line east of Truckee;
5. U. S. Highway No. 299 between Redding and Alturas;
6. State Highway No. 36 between Red Bluff and Susanville.

Thereafter the partnership, applicants herein, Pete Bordenave and Garrett W. Beckley acquired the above described operative right under the authority of the Commission's Decision No. 34365, dated July 1, 1941, on Application No. 24284.

In effect, applicants' proposal herein is a request for a new certificate in lieu of that described above. Authority is sought to operate between Los Angeles as the southern-most terminal and Orland as the northern-most terminal with three branch routes, and diversions therefrom, extending from Sacramento, Stockton and Fresno to San Francisco. Along the Los Angeles-Orland route service would be provided between these termini and to and from certain specific intermediate points and within a radius of those intermediate points varying from two to five miles. The intermediate points specified along the route are as follows:

Hamilton City	(2 mile radius)
Woodland	(3 mile radius)
Sacramento	- - - - -
Manteca	(2 mile radius)
Chowchilla	(2 mile radius)
Calwa	(2 mile radius)
Bakersfield	(5 mile radius)
Corcoran	(2 mile radius)

Service would also be provided between the aforementioned points, on the one hand, and San Francisco and South San Francisco, on the

other hand, and the following specific intermediate points including a radius thereof as indicated:

Collinsville	(2 mile radius)
Tracy	(3 mile radius)
Alvarado	(2 mile radius)
Firebaugh	(5 mile radius)

All of those points are now served by applicants as a highway common carrier. Under the instant application they propose to abandon the remainder of their highway common carrier operations.

Garrett Beckley, one of the applicants testifying in support of the authority sought, stated in effect that experience had shown that the regular movements of livestock are generally to and from various stock-feeding lots and livestock markets situated at the points applicants propose to continue serving as a highway common carrier. He also stated that the degree of regularity of such movements varied from once a week between many of the points to not less than once a month between others. With respect to the portions of operations proposed to be abandoned, the witness stated that requests for service are very irregular and at infrequent intervals. ⁽¹⁾ From Eureka only one shipment was made during 1941. In the region north of Orland to and including the California-Oregon State Line north of Hornbrook, which is embraced in applicant's present operative rights, he asserted that not more than ten loads had been transported during the six months' period next preceeding the hearing in this matter.

(1) From the witness' experience, one of the characteristics of the traffic under the present operation discloses that the movements of stock between ranches in the outlying districts varies to a great extent and is not regular. Between some ranches the movement would not be more often than once a year. Such movement is more often to the markets. There has been no rancher who has called upon him for service as often as once a month. Most of these ranches are located at distances varying from places near the main route of operation to as much as fifty or sixty miles therefrom.

During the last year only one movement, consisting of fifteen loads of livestock, was transported on the route between Redding and Alturas. A similar situation prevails on the route between Red Bluff and Susanville.

The witness stated that applicants would continue to provide service under their radial highway common carrier permit for such occasional movements as might be offered to them at points and places in the territory embraced in those portions of their present highway common carrier operations which they propose to abandon. He pointed out that there are other highway common carriers of livestock operating over the identical routes applicants propose to abandon as a highway common carrier, thereby providing ample service for any traffic which might be offered for transportation.

The representative of the California Cattlemen's Association offered no objection to the proposal of applicants.

The record herein shows that applicants propose to reduce the scope of their highway common carrier operations to more nearly meet regular calls and requests for their service. This would enable them to effect a more efficient and economical use of their equipment by eliminating the infrequent service to remote sections over rough and little used roads.

From a review of this record it is our opinion that the request is reasonable and in the public interest and will be granted.

O R D E R

A public hearing thereon having been held, evidence adduced, the matter submitted and the Commission now being fully

informed therein and it being hereby found that public convenience and necessity so require:

IT IS ORDERED that Pete Bordenave and Garrett W. Beckley, partners, are hereby authorized to abandon operations as a highway common carrier between the points and over the routes as set forth in Decision No. 32673, dated December 19, 1939, in Application No. 22372 and acquired by said Bordenave and Beckley under authority of the Commission's Decision No. 34365, in Application No. 24284, which operative right is hereby revoked and annulled.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity is hereby granted to Pete Bordenave and Garrett W. Beckley, partners, authorizing the establishment and operation of service as a highway common carrier as defined in section 2-3/4 of the Public Utilities Act, for the transportation of livestock upon an on-call basis as follows:

1. Between Los Angeles and Orland and the following specific intermediate points and radially therefrom as indicated:

Hamilton City	2 miles
Woodland	3 miles
Sacramento	
Manteca	2 miles
Chowchilla	2 miles
Calwa	2 miles
Bakersfield	5 miles
Corcoran	2 miles

2. Between the aforementioned points on the one hand and San Francisco and South San Francisco on the other hand and including the following specific intermediate points and radially therefrom as indicated:

Collinsville	2 miles
Tracy	3 miles
Alvarado	2 miles
Firebaugh	5 miles

subject to the condition that Bordenave and Beckley, their

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 them 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. Applicants 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. Applicants 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. Subject to the authority of this Commission to change or modify them at any time by further order, applicants shall conduct said service hereby authorized over and along the following routes:

Between Los Angeles and Orland over U.S. Highways Nos. 99 and 99W;

Between Orland and Hamilton City via State Route No. 32;

Between Sacramento and Woodland via California State Highway No. 24;

Between Sacramento and San Francisco and South San Francisco over U. S. Highways Nos. 40, 99 and 101;

Between Fairfield and Collinsville over California State Highway No. 12 and County highways;

Between Manteca, San Francisco and South San Francisco via California State Highway No. 120 and U. S. Highways Nos. 50 and 101;

Between Alvarado and Oakland over California State Route No. 17;

Beginning at the intersection of U. S. Highway No. 99 and the California State Highway No. 152, thence along Highway No. 152 and U. S. Highway No. 101 to San Francisco;

Over and along California State Highway No. 33 between its intersection with California State Highway No. 152 and Firebaugh;

Over and along the most appropriate route between Corcoran and U. S. Highway No. 99.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 23rd day of November, 1942.

W. P. K. M.
Francis D. Faveaux
Richard K. K. K.
COMMISSIONERS