

Decision No. 36120

ORIGINAL

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 to	)	
extend service to Bishop Airport,	)	Application No. 25308
California, and for consolidation	)	
with the present operative rights	)	
of Pacific Motor Trucking Company.	)	

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

In this proceeding the applicant, Pacific Motor Trucking Company, a wholly owned subsidiary of Southern Pacific Company, was authorized by Decision No. 35949, rendered November 10, 1942, to conduct a service as a highway common carrier between Bishop and Bishop Airport, situated approximately two miles northeast of Bishop. The certificate was granted subject to the condition that applicant's service thereunder should be limited to that which may be auxiliary to or supplemental of, and co-ordinated and integrated with, the rail service of Southern Pacific Company.

By its supplemental application, applicant seeks the elimination of this condition. In support of this proposal, applicant asserts that its operative rights north of Lone Pine, which were acquired by transfer from other carriers, contained no such limitation; and that performance of the condition would be impracticable, since neither Bishop nor Bishop Airport is located on the rail lines of Southern Pacific.

The operative rights north of Lone Pine were granted originally to other carriers, and were subsequently transferred to applicant. The certificate authorizing service between Lone Pine

Station, Lone Pine and Bishop and intermediate points was acquired by applicant's predecessor, Pacific Motor Transport Company, from California Transit Company, pursuant to Decision No. 22183, rendered March 6, 1930, as modified by Decision No. 23254, rendered January 7, 1931, in Application No. 16323. The certificate to operate between Bishop and Laws was acquired by applicant from Hess Lumber Co. under authority of Decision No. 26863, rendered March 12, 1934, in Application No. 19340. None of these decisions imposed any condition dealing with co-ordinated rail service. By Decision No. 31997, rendered May 16, 1939, in Application No. 22358, a certificate was granted applicant authorizing operation between Laws and Benton and intermediate points, which was consolidated with the operative right between Lone Pine and Laws. This decision also contained no restriction as to co-ordinated rail service.

The operative right south of Lone Pine, however, falls within a different category. By Decision No. 33759, rendered December 21, 1940, in Application No. 23203, applicant was granted a certificate authorizing the operation of a highway common carrier service between Lone Pine and Mojave and specified intermediate rail points. This decision provided that the service should be limited to that which is auxiliary to or supplemental of the rail service of Southern Pacific Company or as an underlying carrier for any express corporation authorized to operate between those points; that applicant should render service only to or from points which are stations on the Southern Pacific rail lines (subject to an exception not material here); and that shipments transported by applicant should be limited to those which, in addition to the movement by motor vehicle, should have received or would receive a prior or a subsequent movement by rail. The certificate, so the order directed, was granted as an extension and enlargement of applicant's existing operative rights

between Lone Pine and Benton, via Independence, Bishop and Laws, which in turn had been granted by Decisions Nos. 22183, 23254, (1) 26017, 26863 and 31997, supra.

Neither Bishop nor Bishop Airport, as applicant asserts, is located on the rail lines of Southern Pacific Company. By authority of the Commission, the rail service previously rendered at Bishop has been withdrawn.

Though it might well be contended that, by Decision No. 33759, the operative rights north of Lone Pine have been consolidated with those south of that point, and that therefore the restrictions imposed by that decision extended to all of the operative rights to which it related, we believe it is not necessary to decide that question now. There should be imposed upon applicant's operations no limitation which would in any way impair its ability fully to meet the demands of the military authorities. Since Bishop Airport is an important military establishment, the restriction will be removed. We shall reserve for future consideration, however, when the question may be appropriately presented, the relationship that may exist here between applicant's operations as a highway common carrier and the railway operations conducted by its parent corporation, Southern Pacific Company.

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(1) By Decision No. 26017, rendered June 5, 1933, in Application No. 18892, Pacific Motor Transport Company was authorized to transfer to Pacific Motor Trucking Company, applicant herein, certain operative rights including those granted by Decisions Nos. 22183 and 23254.

FIRST SUPPLEMENTAL ORDER

Supplemental application therefor having been made, and good cause appearing;

IT IS ORDERED as follows:

(1) That Decision No. 35949, rendered November 10, 1942, in the above-entitled proceeding be and it hereby is modified by striking therefrom condition (a), of paragraph (1), of the order therein.

(2) That in all other respects said Decision No. 35949 shall remain in full force and effect.

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

Dated at ~~San Francisco~~ <sup>Los Angeles</sup>, California, this 26<sup>th</sup> day of January, 1943.

Francis W. Haberman  
[Signature]  
[Signature]

COMMISSIONERS