

Decision No. 36683

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment)
of maximum or minimum, or maximum)
and minimum rates, rules and regu-)
lations of all common carriers as)
defined in the Public Utilities Act)
of the State of California, as)
amended, and all highway carriers)
as defined in Chapter 223, Statutes)
of 1935, as amended, for the trans-)
portation, for compensation or hire,)
of any and all commodities.)

Case No. 4246

ORIGINAL

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By prior orders in this proceeding (41 C.R.C. 671, as amended), minimum rates, rules and regulations have been prescribed for the transportation of property by common, radial highway common and highway contract carriers. Certain proposed modifications of these orders which will be disposed of by this decision are matters which do not appear to require public hearing.

Southern Pacific Company and Pacific Electric Railway Company seek authority to enlarge their pickup and delivery zones at El Monte and to extend rates now applicable at El Monte to this additional territory. As so extended, these rates would, in certain instances, be lower than those heretofore established as minima. Petitioners represent that the territory involved in this proposal, although not within the corporate limits of El Monte, has become an essential part of that community by reason of its industrial and residential development. The granting of the sought authority, petitioners point out, would enable them to afford all industries and persons within the enlarged area rates of the same volume as those now applying from and to El Monte. Competing common carriers

have been notified of these proposals. They have not objected to their adoption. It appears that under the circumstance the granting of the authority sought is justified.

Southern Pacific Company and Pacific Motor Trucking Company were authorized to extend their pickup and delivery limits at Roseville by Decision No. 36312 of April 27, 1943, in this proceeding. The purpose of this extension was to enable them to render pickup and delivery service to a number of industries located adjacent to Roseville. Petitioners now inform us that the request previously granted was inadequate in that certain of the industries involved are beyond the limits described in the former petition and authorized by Decision No. 36312, supra. They request the further extension necessary to include these industries. It appears that this request is justified and should be granted.

Operating rights are not in issue in the foregoing matters and the action taken therein is not to be construed as a determination of the nature and extent of petitioners' operating authority.

Frank O. Vanderwalker, a highway contract carrier operating between Groveland, Mather and intermediate points, asks to be relieved from observing the minimum rates prescribed for shipments weighing 100 pounds or less. He alleges that he is primarily engaged in transporting United States mail between the points involved, that he has been asked to transport small shipments of groceries as a convenience for persons living in the sparsely settled territory along his mail route, and that the prescribed minimum rates exceed the value of the service to the persons. It appears that this service is surrounded by conditions substantially similar to those prevailing in various sparsely settled areas where other carriers have been granted exemptions from the prescribed minimum rates and that

the granting of a like exemption to Vanderwalker is justified.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the petition of Southern Pacific Company and Pacific Electric Railway Company seeking authority to extend their pickup and delivery zones at El Monte and the petition of Southern Pacific Company and Pacific Motor Trucking Company seeking authority to extend their pickup and delivery zones at Roseville be and they are hereby granted; that the aforesaid carriers be and they are hereby authorized to establish, for the transportation involved, rates less than the minimum rates prescribed by Decision No. 31606, as amended, in this proceeding, but not less than those prescribed for like transportation from and to El Monte and Roseville; and that tariffs filed pursuant to this order may be made effective upon not less than three (3) days' notice to the Commission and the public.

IT IS HEREBY FURTHER ORDERED that Decision No. 31606, as amended, in this proceeding be and it is hereby further amended by adding Frank O. Vanderwalker to the list of carriers contained in Paragraph (c) of Finding No. 14 thereof.

The authority herein granted Southern Pacific Company, Pacific Electric Railway Company and Pacific Motor Trucking Company is void unless exercised within ninety (90) days from the effective date hereof.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this ^{26th} ~~21st~~ day of
October, 1943.

Francis J. Havenue
J. B. M.
Justus D. Caspary
Richard K. Baker
Spencer W. Allen
Commissioners