

Decision No. 37182

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC MOTOR TRUCKING COMPANY for )  
certificate of public convenience and )  
necessity for the transportation by )  
motor truck of freight and express )  
between railroad stations of Southern )  
Pacific Company and/or Visalia Electric )  
Railroad Company and/or Sunset Railway )  
Company southeast of Fresno, and in the )  
vicinity of Tulare and of Bakersfield. )

Application No. 19062  
Eighth Supplemental

**ORIGINAL**

WILLIAM MEINHOLD, for applicant.

HUGH GORDON, for Pacific Freight Lines, interested party.

BY THE COMMISSION:

OPINION ON PETITION FOR MODIFICATION  
OF EIGHTH SUPPLEMENTAL ORDER

Pacific Motor Trucking Company seeks a modification of Decision No. 36314, the eighth supplemental opinion in this proceeding, which authorized the extension of applicant's highway common carrier service to and from the points of, and to establish a pickup and delivery service at, Locans and Wineland in Fresno County, Stout in Tulare County, and Vinland in Kern County, in addition to the points which applicant was authorized to serve by Decision No. 27235, rendered July 30, 1934. Specifically, applicant seeks the elimination of that part of the eighth supplemental order which limits service to shipments receiving a rail movement prior or subsequent to that provided by applicant. A public

(1) The provision which applicant seeks to have eliminated is set forth below:

"(B) Applicant's service shall be limited to the transportation of shipments which it may receive from or deliver to Southern Pacific Company, and to shipments which it may receive for any express corporation, as described in paragraph (A) hereof. All of said shipments shall receive, in addition to the movement by applicant, a prior or a subsequent movement by rail."

hearing was had before Examiner Austin at San Francisco, when the matter was submitted. No one appeared in opposition to the petition, although all common carriers serving the territory were notified of the hearing.<sup>(2)</sup>

In support of its proposal applicant alleges that the restriction in question would preclude applicant from distributing traffic from the merchandising center of Fresno, where the San Joaquin Valley operations of applicant are coordinated with the rail service. An operating witness testified that such restriction would be difficult to police and would delay and impede the handling of traffic. Authority to extend service to and at the four points mentioned was sought so that applicant's truck service now operating through the territory might be substituted for less-than-carload rail service. No local draymen being available, the plan contemplated that applicant's line-haul trucks would perform the pickup and delivery service requested by industries at those points, without incurring substantial additional operating costs.

The record justifies elimination of the requirement of Decision No. 36314 that shipments handled by applicant for Southern Pacific Company or for express corporations shall have a prior or subsequent rail-haul. Applicant concedes the propriety of restricting the operations so as to be in conformity with and subject to the limitations of Decision No. 27235, the original decision in this proceeding. Applicant thus recognizes the

---

(2) Counsel for Pacific Freight Lines, although unable to attend the hearing, telegraphed the objections of his principal to the granting of the pending petition. However, this protest was subsequently withdrawn.

fundamental nature of its service as being auxiliary to or supplemental of rail service, rather than two separate and independent highway common carrier services.

O R D E R

A petition having been filed therefor; a public hearing having been had; the matter having been duly submitted; and the Commission now finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That Decision No. 36314, rendered April 27, 1943, in the above-numbered proceeding, be and it is hereby modified, by amending subparagraph (B) of paragraph (b) of section (1) of the order therein to read as follows:

"(B) Applicant's service shall be limited to the transportation of property previously consigned for transportation over the lines of Southern Pacific Company, or of property for an express corporation as described in subparagraph (A) hereof."

(2) That the periods within which applicant may comply with the service regulations set forth in paragraph (2) of said decision shall be deemed to run from and after the effective date of this decision.

(3) That in all other respects said Decision No. 36314 shall be and remain in full force and effect.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of July, 1944.

Richard Kachse

Justus D. Coe

Frank R. Haven

Scott Russell

COMMISSIONERS