

ORIGINAL

Decision No. 33703

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)
operate motor vehicles for the trans-)
portation of property over the public)
highways between Lone Pine and)
Inyokern and Inyokern Naval Ordnance)
Test Station, California.)

Application No. 23203
1st Supplemental

BY THE COMMISSION:

O P I N I O N

Decision No. 37257, in Application No. 23203, granted a certificate to Pacific Motor Trucking Company authorizing highway common carrier operations between Inyokern and Inyokern Naval Ordnance Test Station, subject to two restrictions, one of which reads:

"(b) Shipments transported by applicant shall be limited to those which, in addition to movement by motor vehicle, shall have either an immediately prior or an immediately subsequent movement over the rails of Southern Pacific Company."

Applicant has petitioned the Commission to eliminate that restriction, and also to modify a similar restriction appearing in the order of Decision No. 33759, to make it inapplicable to shipments moving between Lone Pine and points north thereof, on the one hand, and Inyokern and Inyokern Naval Ordnance Test Station, on the other hand.

In support of its petition applicant alleges in substance that there is a public need for the transportation of property between Lone Pine and points north thereof, on the one hand, and

Inyokern and Inyokern Naval Ordnance Test Station, on the other hand. It also asserts that in order to meet this need such service must be provided by automotive truck without movement over the rails of Southern Pacific Company.

Western Truck Lines, Ltd., which is the only other operator performing a highway common carrier service between the points involved, in its reply to applicant's petition stated that it opposes the removal and modification of the restrictions referred to on a permanent basis. However, it would not oppose a modification of both restrictions to make them inapplicable for the duration of the present national war emergency for some definite period of time.

After full consideration it is our opinion that the restrictions involved should be modified to the extent that they will be inapplicable until July 1, 1946, as provided for in the order. This is not a matter requiring a public hearing.

O R D E R

The petition of applicant for modification of Decision No. 37257 and Decision No. 33759 having been fully considered and good cause appearing,

IT IS ORDERED:

(1) That Decision No. 37257 is hereby modified by adding to part (1) of the order thereof the following language:

"(c) The restriction set forth in subparagraph (b) hereof shall be of no force or effect until July 1, 1946."

(2) That restriction numbered 3 appearing at sheet 12 of Decision No. 33759 in the following language:

'3. Shipments transported by applicant by motor vehicle shall be limited to those which, in addition to the movement by motor vehicle, shall have either a prior or subsequent movement by rail.'

is hereby amended by adding thereto the following language:

"Provided that such restriction shall be of no force or effect until July 1, 1946, as to traffic moving between Lone Pine and Bishop and intermediate points, on the one hand, and Inyokern and Inyokern Naval Ordnance Test Station, on the other hand."

In all other respects Decisions Nos. 37257 and 33759 shall remain in full force and effect.

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

Dated at San Francisco, California, this 6th day of March, 1945.

David Anderson
Justice F. Craven
Robert Kachner
Francis Dean
James Lawrence
COMMISSIONERS