

ORIGINAL

Decision No. 39488

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
NEVADA COUNTY TRUCKING COMPANY, a)
corporation, to sell, and of PACIFIC)
MOTOR TRUCKING COMPANY, a corporation)
to purchase all the operating rights)
and property of NEVADA COUNTY TRUCKING)
COMPANY and NEVADA PACIFIC TRUCKING)
AGENCY.)

Application No. 25865
1st Supplemental

O P I N I O N

Decision No. 36760, dated December 9, 1943, authorized Pacific Motor Trucking Company, applicant in this proceeding, to acquire certain highway common carrier operative rights from Nevada County Trucking Company, a corporation. In general these rights authorized

- (a) The transportation of property between Sacramento, on the one hand, and points northerly from Auburn, including Grass Valley and Nevada City, on the other hand, and between Auburn and Nevada City subject to certain restrictions;
- (b) The transportation of concentrates and mining supplies between Colfax and Nevada City and points eight miles beyond the latter place and laterally within eight miles of the route between Colfax and Nevada City subject to certain restrictions;
- (c) The transportation of property between Colfax and Nevada City and intermediate points via Grass Valley; and between Auburn and Nevada City and intermediate points via Grass Valley subject to certain restrictions, one of which required a prior or subsequent movement by rail in addition to movement by truck. (1)

(1) Decision No. 33469 in Application No. 21760 granted a highway common carrier certificate to Nevada County Trucking Company, a predecessor in interest of applicant between:

"(a) Colfax and Nevada City and intermediate points, via Grass Valley:

Continued on next page

By the above entitled first supplemental application as amended, the Commission is requested to amend the certificate granted by Decision No. 33469 in Application No. 21760 so as to eliminate therefrom the condition requiring a movement by rail prior or subsequent to a movement by applicant's trucks. Applicant does not propose to serve any new points. The proposed rates would be no lower in volume or effect than the minimum rates prescribed by the Commission in its Decision No. 31506 as amended.

In support of its request for removal of such condition applicant states that it is the only certificated highway common carrier operating between Colfax and Nevada City and intermediate points; that it has been offered shipments for transportation between Colfax and Nevada City and intermediate points which are purely local in character which it has been required to refuse because of such condition; that these shipments are now moving by proprietary trucks and shippers in the territory have expressed a desire for applicant's service. The handling of such occasional local shipments would not increase applicant's operating costs.

Kent E. Walker doing business as Nevada County Bus Line transports passengers, baggage and shipments of express weighing not in excess of 100 pounds, only on passenger carrying vehicles between the points involved herein as well as other points. He has waived protest to the application.

(1) Continued

"(b) Auburn and Nevada City and Intermediate points, via Grass Valley, provided that no service shall be rendered to or from any point intermediate to Auburn and Grass Valley."

This certificate was made subject to the following conditions:

"1. The service performed by applicant shall be limited to that which it receives from or delivers to a rail connecting carrier either at Colfax or Auburn and all of said shipments shall receive, in addition to the movement by applicant, a prior or subsequent movement by rail."

After full consideration it is our judgment that the prior or subsequent rail haul restriction should be removed. No public hearing is necessary.

O R D E R

An application therefor having been filed and it being hereby found that public convenience and necessity so require, IT IS ORDERED as follows:

(1) That the following condition appearing at Sheet 4 of Decision No. 33469 in Application No. 21760

"1. The service performed by applicant shall be limited to that which it receives from or delivers to a rail connecting carrier either at Colfax or Auburn and all of said shipments shall receive, in addition to the movement by applicant, a prior or subsequent movement by rail."

is hereby deleted therefrom and shall be of no further force or effect.

(2) That in providing service pursuant hereto applicant shall comply with and observe the following service regulation:

Applicant shall comply with the provisions of General Order No. 80 by filing in triplicate, and concurrently making effective appropriate tariffs within 60 days from the effective date hereof and on not less than one day's notice to the Commission and the public,

(3) That said Decision No. 33469 shall in all other respects remain in full force and effect.

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

Dated at San Francisco, California, this 8th day of October, 1946.

Harold A. Kule
Justin F. Crossen
William W. Cline
Earl F. ...
A. J. ...
COMMISSIONERS