

Decision No. 40081

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ARVIN LINE, a corporation, for an)
order removing restrictions and)
enlarge certificates heretofore)
granted.)

Application No. 27449

HERBERT CAMERON, for applicant.

O P I N I O N

This is an application by Arvin Line, engaged in the business of transporting passengers and property between Bakersfield and Mojave, to remove certain restrictions now applying to their common carrier operations in that territory. It is sought to eliminate two restrictions, one of which limits the applicant to the transportation of passengers over an alternate route only, for certain trips over and along U. S. Highway No. 466 between Magunden and Edison Junction Highway, and the other limiting the weight of single packages between Bakersfield and Mojave to 100 pounds each.

A public hearing was held at Bakersfield on January 21, 1947, before Examiner Gannon. No one appeared in protest against the application.

Decision No. 37486, rendered on November 21, 1944, and
Decision No. 37531, rendered December 5, 1944, both in Application
No. 26331, authorized Henry Elbert, in the operation of his passenger

(1) This decision merely amended Decision No. 37486 in the correction of a typographical error.

(2) The Elbert rights were transferred to Arvin Line, a corporation, pursuant to Decision No. 37797, dated April 17, 1945.

stage service between Bakersfield and Mojave, as established by Decision No. 25809, to establish an alternate route for certain trips over U. S. Highway No. 466 between Magunden and Edison Highway Junction. This alternate route was to be used only for special and extra schedules when required by traffic demands, and for no part of regular schedules provided for in Decision No. 25809, and no passengers were to be picked up or discharged over or along the alternate route.

It is asserted by applicant that there is a general demand on the part of passengers traveling between Bakersfield and Mojave and intermediate points for direct service via U. S. Highway No. 466, rather than by the circuitous route via Arvin, which is through a rather thickly populated area. The route over Highway No. 466 is some 10 or 12 miles shorter. Moreover, the record shows there is a demand for the service from residents and business establishments from such communities as Magunden, Edison and Bena, located on Highway No. 466, which service is not now available. The record shows that between April and June of each year a large number of workers are employed in the potato sheds and fields surrounding Edison and that these workers move on to Tehachapi when the potato season opens up there. In fact, there appears to be a more or less constant movement of agricultural workers back and forth, most of whom require transportation to and from their jobs.

With the removal of the restriction, applicant requests authority to conduct a passenger stage service between Bakersfield and Mojave via U. S. Highway No. 466, serving all intermediate points.

Applicant now is permitted to conduct its passenger stage service between Bakersfield and Mojave and intermediate points via U. S. Highway No. 466 except for a distance of approximately 25 miles between Edison and Highway junction. It cannot pick up or discharge local passengers in this restricted area. Applicant's regular route between Bakersfield and Mojave is via Arvin, and that service will be continued as at present.

The record herein is convincing that the restriction should be removed, and the order will so provide.

Decision No. 27991, dated May 27, 1935, in Supplemental Application No. 18161, granted applicant an operative right authorizing a highway common carrier service between Bakersfield and Arvin, including intermediate points, for the transportation of commodities generally, with certain exceptions. Between Bakersfield and Mojave and intermediate points applicant is not permitted to transport any single package weighing in excess of 100 pounds, except that said restriction shall not apply locally between Bakersfield and Arvin and intermediate points.

The instant application requests the removal of said restriction on the ground that it deprives merchants and others of the right to make shipments in excess of 100 pounds each in weight. Applicant's equipment operates between Bakersfield and Mojave and it is contended that the service should be available for all regardless of weight. The record shows that there will be no additional expense involved and that the annoyance of segregating the parcels will be eliminated.

The continuance of the restriction as a part of the order does not now appear to serve any useful purpose and the restriction will be eliminated by the order which follows.

The Commission is of the opinion, and so finds, that public convenience and necessity require the removal of restrictions contained in Decisions Nos. 25809, 27991 and 37486 granting operative rights pursuant to which applicant now conducts a service for the transportation of persons and property, between Bakersfield on the one hand and Mojave and Arvin and intermediate points on the other hand.

O R D E R

A public hearing having been held in the above entitled proceeding and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Arvin Line authorizing the operation of a passenger stage service for the transportation of passengers and their baggage between Magunden and Highway Junction (intersection of Bear Mountain Road and U. S. Highway No. 466) and all intermediate points via U. S. Highway No. 466, as an extension and enlargement of applicant's present operative rights between Bakersfield and Mojave.

(2) That the certificate of public convenience and necessity heretofore granted by Decisions Nos. 23742 and 25809 is hereby amended to authorize the transportation of freight without

restriction as to weight between Bakersfield and Mojave and intermediate points via both Arvin and U. S. Highway No. 466, as an extension and enlargement of applicant's present operative rights.

(3) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.

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

Dated at Los Angeles, California, this 25th day of March, 1947.

Harold P. Hule
Justin F. Cramer
A. J. Dunder
Herbert P. Potter

COMMISSIONERS