

Decision No. 41713

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. MEYERS and R. B. MEYERS, a partner-)
ship, doing business as WESTERN TRANS-)
PORTATION COMPANY, for a certificate)
of public convenience and necessity)
authorizing service as a highway)
carrier of property for Union Pacific)
Railroad Company between various points)
in Southern California.)

Application No. 29313

ORIGINAL

Arlo D. Poe, for applicant.

Jackson W. Kendall, for Bekins Van Lines, Inc.,
Lyons Van Lines, Inc., and Calmay Van Lines Inc.,
and E. W. Kerttu, for California Moving and
Storage Association, Protestants.

O P I N I O N

Applicants, A. Meyers and R. B. Meyers, copartners, seek authority herein to operate as a common carrier by motor vehicle, in the transportation of property in less than carload shipments between all stations and points on the lines of the Union Pacific Railroad Company in California except those stations and points on the Union Pacific main line east of San Bernardino.

Public hearing was held before Commissioner Huls and Examiner Syphers at Los Angeles on June 2, 1948, at which time evidence was presented and the case submitted.

The proposal of applicant, as contained in the application, and as explained and amplified by testimony presented at the hearing, is specifically limited to the hauling for the Union Pacific Railroad of less-than-carload traffic in the custody of said railroad. This hauling is proposed to be performed under a written contract, the form of which was received in evidence as Exhibit 4.

Applicant under the proposal will not deal directly with any shippers or consignees. The railroad will handle all billings, make all collections and then pay applicant company its share of the freight charges.

The testimony showed that applicant company has no connection with the railroad other than through hauling contracts such as the one hereinabove mentioned. Applicant has been hauling under various contractual arrangements with the Union Pacific Railroad since 1933, and, since 1946, has been performing all of that company's hauling both interstate and intrastate in so-called substituted rail service in California west of San Bernardino. In addition, applicant performs pick-up and delivery service for this railroad. Exhibit 2 shows the extent of this hauling for the first four months of 1948, while Exhibit 3 shows the main and branch line railroad stations concerned.

At the hearing there were appearances entered by representatives of various household goods movers for the purpose of protesting any grant of authority as to household goods. These appearances offered no protest to any other phase of the application, and they withdrew when applicant offered a stipulation to the effect that any certificate granted contain an exception as to used household goods, used fixtures and equipment and new household goods when not intended for resale.

That applicant's proposed service is necessary was supported by the testimony of representatives of the Union Pacific Railroad. Applicant is now handling interstate freight for this railroad and it appears desirable to have one carrier handle both interstate and intrastate freight. The testimony indicated that the amount of intrastate freight is about 2% of the total volume of freight handled.

Further testimony showed that it was advantageous, particularly as to savings in time and railroad cars, to have certain hauls handled by truck. These constitute the so-called substituted rail service that applicant proposes herein.

Exhibit 5 shows the equipment now owned and operated and Exhibit 6 is applicant's balance sheet as of March 31, 1948. An examination of this evidence, coupled with the other testimony herein, justifies the conclusion and we now find that applicant is willing and able to perform the proposed service.

Upon full consideration of the matter we are of the opinion that the proposed operation is in the public interest and, therefore, the application, with the restrictions proposed, will be granted.

O R D E R

Application as above entitled having been filed, a public hearing having been held thereon, the matter having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is, granted to A. Meyers and R. B. Meyers, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of property between stations and points on the lines of the Union Pacific Railroad Company in California, west of San Bernardino, subject to the following limitations:

Applicant's service shall be limited to the transportation, for the Union Pacific Railroad, of less-than-carload traffic in the custody of said railroad.

The following commodities are specifically excepted from the authorization herein granted:

- (a) Used household goods, including household or personal effects commonly used in a household, such as clothing, furniture, furnishings, radios, musical instruments, stoves and refrigerators;
- (b) Used fixtures and equipment, such as furniture, furnishings and other appurtenances commonly used in a store, office, museum, institution, hospital, or other establishment;
- (c) New household goods, fixtures and equipment, as described above when not intended for purpose of resale.

(2) In providing service pursuant to the foregoing certificate, applicant shall observe the following service regulations:

(a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.

(b) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than five (5) days' notice to the Commission and the public, establish the service herein authorized and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.

(c) Subject to the authority of this Commission to change or modify such at any time, the highway carrier operation herein authorized shall be conducted over the following described route:

Via public streets and highways between stations and points along the main line of the Union Pacific Railroad in California west of San Bernardino, and along the Pasadena, Glendale, Anaheim, Crestmore and North Long Beach branch lines of said railroad.

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

Dated at Los Angeles, California, this 15th day of June, 1948.

R. Z. Anderson
Justice J. Calver

Harold A. Hill

Samuel Potter

Commissioners