

ORIGINAL

Decision No. 42385

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DESERT EXPRESS, a California corporation,)
for a certificate of public convenience)
and necessity authorizing the use of an) Application No. 29603
alternate route between Los Angeles,)
California, and Bakersfield, California,)
in connection with through traffic)
moving between said points.)

Glanz & Russell, by Art Glanz, for applicant. Gordon,
Knapp, and Hennessy, by Hugh Gordon and John Hennessy, for Pacific
Freight Lines and Pacific Freight Lines Express; Joseph C. Gill
for Southern Pacific Company and Pacific Motor Trucking Company;
and Wm. F. Brooks for The Atchison, Topeka & Santa Fe Railway
Company, protestants. Douglas Brookman for California Motor Express
Ltd., interested party.

O P I N I O N

By Decision No. 41149, on Application No. 28951, appli-
cant was authorized to purchase the highway common carrier rights
of Robert Snowden, an individual, and of Arvin Line, a corporation.
Generally, the Snowden certificated rights authorized the transpor-
tation of general freight between Los Angeles, on the one hand,
and Kramer and Atolia, on the other hand, and intermediate points.
The route is along U. S. Highway No. 6, via Lancaster and Mojave.
The Arvin Line rights authorized a similar service between Bakers-
field and Mojave and intermediate points. This route is along U. S.
Highway No. 466, via Edison and Tehachapi, and also along an alter-
nate route via Arvin (see Exhibit "A" attached to application).

After acquiring said rights applicant inaugurated an overnight service between Los Angeles and Bakersfield, via highways 6 and 466. The distance over this route is 163 miles and the transit time for fully loaded vehicles, moving directly to Bakersfield, is approximately 6½ hours. The vehicles are usually dispatched late in the evening and arrive at Bakersfield early the following morning. It is applicant's practice to break bulk at Bakersfield and complete deliveries the same morning by back-hauling along its route as far east of Bakersfield as Keene. Points along said route easterly and southerly of Keene are usually served out of Lancaster but, occasionally, a direct service is rendered from Los Angeles, particularly on full truck-load shipments.

By this application authority is sought to use an alternate route between Los Angeles and Bakersfield⁽¹⁾ in connection with the transportation of through traffic between said points, over and along U. S. Highway 99. Applicant does not propose to serve any intermediate points along the alternate route.

This matter was heard at Los Angeles on October 6 and 18, 1948, and, having been submitted on briefs, is ready for decision.

The evidence shows, and we find, that the distance between Los Angeles and Bakersfield via the proposed alternate route (U. S. Highway 99) is approximately 112 miles as compared with a distance of approximately 163 miles via the present route (U. S. Highway 6 and 466); that the transit time for fully loaded vehicles would be approximately 5 hours as compared with the 6½ hours now required; that applicant is now performing an overnight service between said points, dispatching vehicles late in the evening for arrival at

(1) The principal points served by applicant in the Bakersfield area are Bakersfield, Magunden, Edison, Clear Creek, Keene, Lamont, Weed Patch, Arvin and Di Giorgio.

destination of Bakersfield or Los Angeles early the following morning; that there would be no difference in the actual delivery of freight between said points as between the proposed route and the present route of applicant; that the elimination of the extra mileage would result in substantial savings to applicant⁽²⁾; that applicant averages between one and three full truck loads daily from Los Angeles to Bakersfield; that applicant's tonnage, shipped directly between Los Angeles and Bakersfield, has shown a gradual increase since the through service was inaugurated; that the use of the alternate route, as proposed, will not result in a diminution of service at intermediate points along applicant's present route.

The only protestant transporting general commodities by motor vehicle between Los Angeles and Bakersfield is Pacific Freight Lines. It contends, as do all protestants, that applicant's proposal is not an alternate route application but, in fact, is an application to institute a completely new service, one that is not now offered by the applicant, embracing new competitive relationships to other carriers and, therefore, it should be required to show that a need exists for such new service. Protestants' position is not supported by substantial evidence. In fact, the record shows that applicant merely seeks to reduce its operating costs on a service which it is now authorized to perform by a more circuitous route. Applicant's president testified that it is intended

(2) During the month of August, 1948, applicant would have operated 4,032 less miles in performing the same service, or a saving of \$342.87, exclusive of the saving in drivers' wages. The saving in drivers' wages, based on 36 round trips, in August, 1948, would have been an additional \$554.22.

to use the alternate route for shipments that are either destined to, or originate at, Bakersfield and points in the vicinity thereof that it is authorized to serve. There was no attempt to show that this new route is either necessary or intended for interline traffic. In fact, the record does not justify the use of the proposed alternate route for the transportation of commodities to or from points on the lines of other carriers situated northerly of the City of Bakersfield.

Applicant based its request for the alternate route on the savings it would effect in transporting property to and from the points which it is now authorized to serve.

We do not consider this application as a request for the inauguration of a new service. Applicant's present service between Los Angeles and Bakersfield is similar to, and competitive with, the service of the Pacific Freight Lines. It is not in the public interest to require that applicant shall continue to perform its service between said points at a greater and unnecessary cost. The application will be granted.

O R D E R

A public hearing having been held in the above-entitled matter, the Commission being fully advised in the premises, and finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That in providing service pursuant to the operative rights acquired under the authority granted in Decision No. 41119, on

Application No. 28951, Desert Express, a corporation, may conduct operations, via an alternate route, between Los Angeles and Bakersfield, over and along U. S. Highway 99, subject to the following conditions:

- (a) Desert Express shall not transport any property as a highway common carrier to or from or between any points along U. S. Highway 99, intermediate of Los Angeles and Bakersfield.
- (b) That the alternate route hereinabove authorized shall not be used by applicant or any assignee or transferee to transport property destined to, or originating at, points northerly of the City of Bakersfield.
- (c) That said alternate route shall only be used to transport consolidated truck loads of not less than 16,000 pounds for each truck or unit used.

(2) That, except as herein authorized, Application No. 29603 is hereby denied.

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

Dated at San Francisco, California, this 29th day of December, 1947.

J. F. [Signature]
Justice F. Calver
[Signature]

COMMISSIONERS