

Decision No. 42623

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)		
of LANG TRANSPORTATION CORPORATION	)	Applications	
for a certificate of public con-	)	Nos.	29416 29545 29684
venience and necessity to operate	)		29417 29546 29693
as a highway common carrier for the	)		29470 29547 29711
transportation of petroleum products,	)		29471 29572 29716
insecticides and chemicals, in bulk,	)		29472 29574 29725
in tank trucks and trailers over	)		29473 29586 29759
described routes,	)		29474 29598 29760
and	)		29490 29629 29784
related applications.	)		29491 29631 29786
			29492 29640 29791
			29506 29663 29799
			29544 29667 29817

(For appearances see Appendix "A")

O P I N I O N

There are thirty-five applicants herein⁽¹⁾, all seeking certificates of public convenience and necessity to operate as highway common carriers, as defined in Section 2 3/4 of the Public Utilities Act of the State of California, for the transportation of liquid petroleum products, in bulk, in tank trucks and trailers.

(1) A. 29416, Lang Transportation Corporation, A. 29417, Fortier Transportation Company, A. 29470, Cantley & Tanzola, Inc., A. 29471, R. A. Conyes, dba R. A. Conyes Tank Lines, A. 29472, Clark E. Seargeant, Audrey L. Seargeant, and Roger E. Seargeant, dba Seargeant Transportation Company, A. 29473, Acme Transportation, Inc., A. 29474, The Carroll Company, A. 29490, W. W. Miles and Pat L. Nolet, dba Miles & Sons Trucking Service, A. 29491, Sandercock Transfer Co., A. 29492, Harold Frasher and Hattie Harm, dba Terminal Warehouse Co., A. 29506, L. P. Beles, dba Malco Transportation Company, A. 29544, F. N. Rumbley Company, A. 29545, Ventura Transfer Company, A. 29546, Citizens Transportation Company, A. 29547, Oilfields Trucking Company, A. 29572, Pacific Freight Lines, A. 29574, Charles F. MacGregor, A. 29586, Clarence J. Lamb, Lora Lamb, and Colin J. Boone, dba Lamb Transportation Co., A. 29598, Motorways Transport Company, A. 29629, La Salle Truck Company, A. 29631, Allyn Tank Line, Inc., A. 29640, President Tank Lines, Incorporated, A. 29663, B-P Corporation, dba

Public hearings were held at Los Angeles on September 23 and 24, October 18, 19, and 20, November 8, 9, and 19, and December 9 and 10, 1948, and at San Francisco on December 15, 1948, before Commissioner Huls and Examiner Syphers. On these dates evidence was adduced, and on the last-named date the hearings were adjourned and the parties given until January 5, 1949, to file concurrent briefs. Three briefs were duly filed, one by most of the applicants as a group⁽²⁾, one by applicant Pacific Freight Lines, and one by the rail-line protestants. These matters now are ready for decision.

At the hearings, testimony and exhibits were presented by a consulting engineer showing the location of all principal oil fields in California⁽³⁾, the total production of crude oil in the state from 1940 to 1947⁽⁴⁾, and the location of petroleum bulk storage plants⁽⁵⁾. Other exhibits showed the number of barrels of production of petroleum products⁽⁶⁾ and the names and addresses of

Belyea Truck Company, A. 29667, Pacific Truck Service, Inc., A. 29684, V. P. Hunt Co. Tankers Inc., A. 29693, Asbury Transportation Co., A. 29711, M. Fris-Hansen & Co., A. 29716, Ed Roberts, dba Roberts Tank Line, A. 29725, P. R. McCutchen and Sunset Oil Company, dba McCutchen Transportation Co., A. 29759, Reliable Transportation Company, A. 29760, Service Tank Line, A. 29784, Cities Fuel Corporation, A. 29786, Martin H. Richards, dba Richards Transportation Co., A. 29791, M. G. Hitchcock, dba Hitchcock Transportation Co., A. 29799, Morris Esacove and Wally Esacove, dba Capitol Tank Line, A. 29817, Empire Transportation Company.

Application No. 29574, Chas. F. MacGregor, originally was set for hearing with the instant 35 applications, but, on September 23, 1948, as a result of a motion made at the hearing, this application was segregated from the others and became the subject of a separate hearing.

(2) The following counsel joined in this brief: Edward M. Berol, Fred Aberle, Martin C. Colvin, Lloyd R. Guerra, Willard S. Johnson, Arlo D. Poe and Arthur H. Glanz.

(3) Exhibit 1

(4) Exhibit 2

(5) Exhibits 3 and 4

(6) Exhibit 5

distributors⁽⁷⁾. From these exhibits it is apparent that the production and distribution of petroleum in its various forms constitutes one of California's major industries. The testimony likewise indicated that the normal demand for petroleum products has increased year by year and further increases are expected in the future⁽⁸⁾.

All of the thirty-five applicant carriers herein presented testimony as to the operations proposed and the operations presently conducted, including testimony and exhibits as to trucking equipment, terminal facilities, commodities hauled, points of origin and destination presently served and those which have been served in the past, and other relevant data as to the operations now conducted.

Each applicant holds one or more permits from this Commission, issued under authority of the Highway Carriers' Act and the City Carriers' Act. Each is now actively engaged in conducting trucking operations and, in general, each is seeking authority as a common carrier encompassing the territory presently served. In connection with the territory presently served, each applicant presented a list of points of origin and destination to and from which it has performed hauling. In all cases these lists were compiled from the shipping records kept by each applicant.

While we do not detail all of this testimony herein, we do, after a full consideration thereof, find that each applicant

(7) Exhibit 6

(8) Exhibit 7 shows the number of motor vehicle registrations per year, from 6,428 in 1906 to 3,934,095 in 1947. Exhibit 8 shows the increases in population in California up to almost 7,000,000 in 1940. The estimate for 1948 is more than 9,500,000 people.

is fit, willing, and able to conduct for-hire trucking operations over the public highways of this state. Each applicant submitted a satisfactory financial statement, as well as testimony and exhibits showing sufficient equipment, facilities, operating personnel and experience.

It was generally the testimony of most of the thirty-five applicants that they are now conducting operations as permitted carriers under the Highway Carriers' Act and the City Carriers' Act, but that they are now uncertain as to their status. This is principally due to the rapid growth in this type of hauling during the past few years. New oil fields and refineries have been established, new distribution points, bulk plants, and other receivers have been set up. Exemplary of this type of testimony was that of the witness Lang in Application No. 29406. His company started with one shipper in 1925 and now it conducts hauling for numerous shippers and to numerous destination points all over the state. Not all of the applicants have conducted operations so long, nor so extensively, as Lang but, at present, they are performing hauling of bulk petroleum for practically every shipper and to practically every consignee of such products in the state.

The evidence showed the territories in which the various applicants now operate and have operated in the past. It also showed that there are three general types of petroleum haulers. First, there is the general petroleum hauler operating equipment with so-called ordinary tanks. Such a hauler transports gasoline of all types, refined petroleum products of various types, including refined oils, insecticides, distillates, and, in some instances, crude oil.

Secondly, there is the so-called L.P.G. (liquid petroleum gas) hauler, who operates tanks equipped to haul liquid and gaseous petroleum products under pressure. Such products include butane, propane, isopropyl, and natural gasoline or casinghead gasoline. However, it should be pointed out that some of the testimony indicated this casinghead could be hauled in the so-called ordinary tanks. Thirdly, there is the hauler operating insulated tanks used in the transporting of liquid asphalts and hot road oils.

Shipper witnesses representing most of the main shippers of petroleum products in California presented testimony at the hearings. Almost unanimously these witnesses stressed the need for truck hauling in the petroleum industry and they likewise pointed out that the industry has greatly expanded. New wells are constantly being established, new refinery installations are being made, and new bulk plants and other places of storage for petroleum products are being set up. There is an increasing need for hauling between these various installations and to distributors and consumers. According to the testimony, trucks now are performing the major part of this hauling and it is the desire of the shippers that they continue to do so.

The testimony of the witness Anthony, previously discussed herein, as to locations of origin and destination points, was corroborated by these shipper witnesses, as likewise was the testimony of applicants as to the three main types of petroleum hauling.

The petroleum products hauled in the so-called ordinary tanks, usually are transported from refinery to distributor or user, although crude oil generally is transported from the oil fields to the refineries, and casinghead or natural gasoline ordinarily is

transported to refineries where it is used in producing other petroleum products. Liquefied petroleum gases and petroleum products requiring pressurized equipment, normally are transported from refineries to bulk plants, distributors, and users.

The consignees of the above-mentioned products usually purchase from the oil companies as a result of competitive price quotations. Almost without exception, the shipper witnesses testified that the uncertainty in trucking rates now existing is a disadvantage to them since they do not have a definite basis upon which to quote prices for their products. In most cases the trucking rates considered in quoting prices for petroleum products are the minimum published rates. However, the truckers may, and frequently do, charge more than the minimum rates. The shipper witnesses were quite definite in alleging that definite published rates, from which the carriers could not deviate, would be an advantage to them.

Exhibit 265 is a statement of proposed rates, rules and regulations which was introduced through an expert witness on rates. This exhibit generally follows and adopts the provisions of California Public Utilities Commission Highway Carriers' Tariff No. 6, although it names new specific rates for distances of 25 miles and less, and, in addition, names rates for distances over 500 miles. Also, this exhibit proposes rates for liquid asphalts and hot oils. Each of the thirty-five (35) applicants herein adopted this exhibit as setting forth the rates each proposes to charge.

Not all of the applicants, nor all of the shippers, handle liquid asphalts or hot road oils. Such commodities usually must be kept heated in order to maintain their liquid state, and as a result, insulated tanks are used for their transportation. In some cases, where the hauls are not too long, and there is no particular danger

of the asphalts or oils cooling, then noninsulated tanks may be used. However, even in these cases, it is not customary to use the tanks for any other purposes, since the asphalts and hot oils coat the tanks and leave a residue which should not be mixed with more refined petroleum products.

These liquid asphalts and hot road oils are used for surfacing ground areas such as airfields, but far and away the principal use is in the surfacing of roads. A large percentage of this road and surfacing work is done by state or local governmental agencies who ask for bids from the carriers. Also, some of this hauling is for contractors. In either case there is usually a known amount of hauling for the particular job involved, and in many cases arrangements are made for a particular carrier to perform all or part of the hauling.

In all of these surfacing jobs it is necessary that the asphalts and hot road oils be spread over the surface involved. Frequently, the carrier also performs the spreading, and for this purpose most of the carriers performing this type of hauling have spreader equipment. The charges for the hauling often include charges for spreader equipment, and some of the applicants testified that arrangements were made for a certain amount of hauling and spreading at the commencement of each job. In other cases the carrier hauls to so-called hot plants from which the contractor or agency constructing the road does the spreading.

After a thorough consideration of all of the evidence herein, we conclude that there is a public need for the type of service each of said applicants now is rendering, which each proposes to continue. Having reached this conclusion and having

previously found herein that said applicants are willing and able to conduct for-hire trucking operations over the public highways of this state, we come now to a consideration of the law involved. In this connection we have had the benefit of the briefs filed in these matters, and previously referred to in this decision.

The legal issue resolves into a determination as to whether or not applicants' operations fall within the provisions of the Highway Carriers' Act and the City Carriers' Act, or whether or not they fall within the provisions of the Public Utilities Act. While some of the applicants herein are holders of permits under the City Carriers' Act, authorizing hauling within cities, yet this type of hauling is not of importance here since both the Public Utilities Act ⁽⁹⁾ and the Highway Carriers' Act ⁽¹⁰⁾ exclude such hauling from their provisions.

Thus the three types of carriers and the specific statutory provisions with which we are now concerned are:

- (1) highway common carrier as defined and limited in Sections 2-3/4 and 50-3/4 of the Public Utilities Act;
- (2) radial highway common carrier as defined in Section 1(h) of the Highway Carriers' Act, and
- (3) highway contract carrier as defined in Section 1(i) of the Highway Carriers' Act.

Among the many definitions and distinctions that have been drawn as to these three types of carriers, we believe it germane to this matter to point out that one of the principal differences between contract carriage and common carriage is the element of holding out to serve the public (Ramone v. Leonardini, Decision No. 28526, dated February 10, 1936, 39 CRC 562, 568). If a carrier

(9) Section 50-3/4 (c).

(10) Section 20(a).

holds itself out to conduct, for compensation, over the public highways, a transportation service to the public generally, or any substantial portion thereof, it thereby enters the realm of common carriage.

From the record in these proceedings, we conclude that applicants are holding out to serve the shippers of liquid petroleum products in bulk, other than liquid asphalts and hot road oils, and as a matter of fact are hauling for most of such shippers in the State of California. That applicants solicit the business, that there are no special agreements between shippers and carriers, but rather that the shippers use a good many carriers indiscriminately, that the carriers openly compete for the hauling and that the hauls are made and paid for on an individual load basis, all are factors supporting this conclusion. We therefore find that this hauling constitutes common carriage.

Under the statutes previously referred to there are two types of common carriers, the essential difference being that, while both types hold out to serve the public generally, yet the highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, operates "between fixed termini or over a regular route" while the radial highway common carrier, as defined in Section 1(h) of the Highway Carriers' Act, does not ordinarily so operate (Rampone v. Leonardini, *infra*).

Applicants herein operate between oil fields and refineries, between refineries, between refineries and storage plants, between refineries, storage plants, and bulk stations, and from these points to various consumers. All of these installations, including the facilities of the consumers, were shown by the testimony to be of a permanent nature and hence may be regarded as fixed points.

According to the testimony, some of these installations are on the highways while others, particularly some of the oil fields, are off-highway. In a good many cases, therefore, both requirements of the statute (fixed termini and a regular route) are met. However, the statute is in the alternative and if either requirement is met the Public Utilities Act becomes the controlling statute.

While there was testimony indicating that there are many instances of new oil wells being drilled and of old ones being abandoned, yet the fields themselves are permanent and should be regarded as fixed points. Moreover, the installations and wells on each particular field are maintained as long as production warrants, which, in many cases, extends over long periods of time. Thus, in most instances, the particular installations should be regarded as fixed points.

In this light we therefore conclude that the aforesaid hauling constitutes highway common carriage, as defined in Section 2 3/4 of the Public Utilities Act.

A different situation exists, however, with respect to the transportation of liquid asphalts, hot road oils, and petroleum products requiring insulated tanks. The testimony as to these commodities shows that often they are hauled under specific contracts for a job or part of a job; that in many cases the carrier is given a definite amount of hauling to a particular job; that the cost of special equipment, such as a spreader, is often included in the hauling costs. Furthermore, most of this hauling is to road surfacing jobs and these jobs are located any place where a road is being constructed or surfaced. From this record we conclude that this type of hauling is not highway common carriage, as defined in Section 2 3/4

of the Public Utilities Act.

The applicants herein request authority to operate over certain specified routes and within fifty (50) miles laterally of such routes. In considering such off-route operations we must take cognizance of the nature of the commodities covered by these applications. Oil fields obviously must be located wherever oil may be found. Some of these fields, as a result, may be located immediately adjacent to main traveled highways whereas others must, of necessity, be some distance off highway. Also, in considering bulk plants and the locations of consumers of petroleum products, we must take cognizance of the fact that a good many of these are located off highway. Accordingly, of necessity, the hauling of petroleum products must, in part, be conducted to points removed from the main traveled highways.

That the Commission has authority to grant a highway common carrier certificate which embraces off-route points has been heretofore considered by this Commission with the result that in cases of specialized commodities, where a definite need is shown for transportation to off-route points, such authorities have been granted. Thus, in the case of live stock hauling, this Commission has authorized off-route points of fifty (50) miles on either side of the highway (In re C. K. Willis et al, Decision 32673, dated 12-19-39, 42 CRC 408). In the case of household goods, off-route authorities of from twenty-five (25) to thirty (30) miles have been authorized (Lyon Van Lines, Inc., Decision 33006, dated 4-16-40; Bekin Van Lines, Inc., Decision 33013, dated 4-16-40). Also, in the transportation of fresh fruits and vegetables, off-highway points of from ten (10) to twenty-five (25) miles have been granted (In re Boedeker et al, Decision 42352, dated 12-21-48).

In line with the previous policy of this Commission, therefore, we hereby conclude that in the instant matters, because of the specialized nature of petroleum products and because of the need for such hauling to off-highway points, it is proper to authorize operations to points within fifty (50) miles on either side of the highways.

In reaching these conclusions we are aware of a prior holding of this Commission in which some of the very applicants herein applied for certificates of public convenience and necessity to transport petroleum products, and wherein this Commission denied the applications (In re Lamb et al, Decision 26443, dated 10-17-43, 39 CRC 34); that the Commission's orders in these cases were sustained by the Supreme Court (Lamb v. Railroad Commission, 2-28-35, 2 Cal (2d) 550). However the instant proceedings must be distinguished from these previous matters. Because of changed transportation conditions, brought about in a great part by an enormous increase in our population, the facts as set out in this record are entirely different from those considered by the Commission and the court in the aforesaid proceedings. In the Lang case, supra, the court stated, at page 556:

"As we have seen, the truck carriers are private carriers. They do not operate over any regular route, nor between fixed termini. Their services are performed entirely through private contract. They have never dedicated their property to public use. The Railroad Commission has no jurisdiction over them, either in the matter of fixing the rates that they will charge or for any other purpose. The petitioners herein evidently concede that their legal status is that of private carriers and that the Commission has no jurisdiction to fix the rates which they may charge for their services, as they have taken no exception to that part of the order of the Commission denying their applications for certificates of public necessity and convenience."

In the instant applications, however, with the exception of liquid asphalts, hot road oils and petroleum products requiring

insulated tanks, the applicants do propose hauling activities over regular routes or between fixed termini. Furthermore, these proposals contemplate hauling for the public generally, as common carriers.

The testimony herein clearly indicates the growth of this state and, correspondingly, the growth of the petroleum industry. This has necessitated an increase in the hauling of bulk petroleum products and in the light of this record we must conclude that this hauling has passed the point of irregular hauling such as could be performed by radial highway common carriers, and also that the haulers are now holding out to so large a segment of the public as to preclude their being contract carriers.

From a complete analysis of all the testimony herein presented, and a consideration of the briefs submitted by the parties, we hereby find that public convenience and necessity require the institution of services as highway common carriers for the transportation of liquid petroleum products, in bulk, other than liquid asphalts and hot road oils, as set out in the ensuing order.

With the exception of applicant Charles F. MacGregor, heretofore noted as having been segregated from this proceeding, applicants are, and each is, hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing, for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any

time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

Applications as above entitled having been filed, public hearings having been held thereon, the matters 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 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 petroleum products, in bulk, except liquefied petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks, be, and it hereby is, granted to each of the following named persons, copartnerships, and corporations, respectively, along the routes and between the points hereinafter specified:

(a) By Lang Transportation Company, a corporation, Cantlay & Tanzola, Inc., a corporation, Service Tank Line, a corporation, Reliable Transportation Company, a corporation, Asbury Transportation Co., a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and California-Mexico Line;
2. U. S. 99, 99-E, and 99-W between Oregon-California State Line and the Mexican Border;
3. U. S. 299 between Redding and Alturas;
4. U. S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville; State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
5. State Highway 20 between Marysville, California, and Junction U. S. 40;
6. U. S. 40 between San Francisco and California-Nevada State Line;
7. U. S. 50 between Sacramento, California, and California-Nevada State Line;
8. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
9. U. S. 66 between Los Angeles and Needles;
10. U. S. 60 between Los Angeles, California, and California-Arizona State Line;
11. U. S. 91 and 466 between Barstow and Nevada-California State Line;
12. State Highway 127 between Baker and Nevada-California State Line.

(b) By Ed Roberts, an individual, doing business as Roberts Tank Line, The Carroll Company, a corporation, L. P. Eeles, doing business as Malco Transportation Company, Pacific Freight Lines, a corporation, Ventura Transfer Company, a corporation, Clarence J. Lamb, Lora Lamb, and Colin J. Boone, copartners, doing business as Lamb Transportation Co., Morris Esacove and Wally Esacove, copartners, doing business as Capitol Tank Line, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between San Francisco and the California-Mexico Line;
2. U. S. 99 between Sacramento and the California-Mexico Line;
3. U. S. 40 between San Francisco and the Nevada-California State Line;
4. U. S. 50 between Sacramento and the California-Nevada State Line;

5. U. S. 395 between the California-Nevada State Line at Topaz Lake and Junction U. S. 66;
6. U. S. 66 between Los Angeles and Needles;
7. U. S. 60 between Los Angeles and the California-Arizona State Line;
8. U. S. 91 and 466 between Barstow and Nevada-California State Line;
9. State Highway 127 between Baker and Nevada-California State Line;

(c) By John E. Cote, doing business as Citizens Transportation Company, Martin H. Richards, an individual, doing business as Richards Transportation Co., and La Salle Trucking Company, a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between Santa Barbara and the California-Mexico Line;
2. U. S. 99 between Bakersfield and the Mexican Border;
3. U. S. 395 between Lone Pine and Junction U. S. 66;
4. U. S. 66 between Los Angeles and Needles;
5. U. S. 60 between Los Angeles and the California-Arizona State Line;
6. U. S. 91 and 466 between Barstow and Nevada-California State Line;
7. State Highway 127 between Baker and Nevada-California State Line;

(d) By Acme Transportation, Inc., a corporation, W. W. Miles and Pat L. Nolet, copartners, doing business as Miles & Sons Trucking Service, R. A. Conyes, an individual, doing business as R. A. Conyes Tank Lines, M. Friis-Hansen & Co., a copartnership, and Harold Frasher and Hattie Harm, copartners, doing business as Terminal Warehouse Co., upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and Los Angeles;
2. U. S. 99, 99-E, and 99-W between Oregon-California State Line and Los Angeles;

3. U. S. 299 between Redding and Alturas;
4. U. S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville;
5. State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
6. State Highway 20 between Marysville, California, and Junction U. S. 40;
7. U. S. 40 between San Francisco and California-Nevada State Line;
8. U. S. 50 between Sacramento, California, and California-Nevada State Line;
9. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
10. U. S. 66 between Los Angeles and Barstow;
11. U. S. 91 and 466 between Barstow and Nevada-California State Line;
12. State Highway 127 between Baker and Nevada-California State Line.

(e) By V. P. Hunt & Co. Tankers Inc., B-P Corporation, doing business as Belyea Truck Company, and President Tank Lines, Incorporated, a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 between Paso Robles and the California-Mexico Line;
2. U. S. 99 between Fresno and the California-Mexico Line;
3. U. S. 395 between Bishop and San Diego;
4. U. S. Highway 66 between Los Angeles and Needles;
5. U. S. 91 and 466 between Barstow and the Nevada-California State Line;
6. U. S. 60 between Los Angeles and the California-Arizona State Line;
7. U. S. 80 between San Diego and the California-Arizona State Line.

(f) By P. R. McCutchen and Sunset Oil Company, a copartnership, doing business as McCutchen Transportation Co., upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 between Santa Maria and the California-Mexico Line;

2. U. S. 99 between Delano and the California-Mexico Line;
3. U. S. 395 between Bishop and San Diego;
4. U. S. 66 between Los Angeles and Needles;
5. U. S. 91 and 466 between Barstow and the Nevada-California State Line;
6. U. S. 60 between Los Angeles and the California-Arizona State Line;
7. U. S. 80 between San Diego and the California-Arizona State Line.

(g) By Clark E. Seargeant, Audrey L. Seargeant, and Roger E. Seargeant, copartners, doing business as Seargeant Transportation Company; and Sandercock Transfer Co., a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between San Francisco and Los Angeles;
2. U. S. 99 between Sacramento and Los Angeles;
3. U. S. 40 between San Francisco and the Nevada-California State Line;
4. U. S. 50 between Sacramento and the California-Nevada State Line;
5. U. S. 395 between the California-Nevada State Line at Topaz Lake and Junction U. S. 66;
6. U. S. 66 between Los Angeles and Barstow;
7. U. S. 91 and 466 between Barstow and Nevada-California State Line;
8. U. S. 127 between Baker and Nevada-California State Line.

(2) That a certificate of public convenience and necessity, 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 petroleum products, in bulk, except liquid asphalts and hot road oils, and any other petroleum products requiring insulated tanks, be, and it hereby is, granted to each of the following named persons, copartnerships, and corporations, respectively, along the routes and between the points hereinafter specified:

(a) By Fortier Transportation Company, a corporation, F. N. Rumbley Company, and Oilfields Trucking Company, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and California-Mexico Line;
2. U. S. 99, 99-E, and 99-W between Oregon-California State Line and the Mexican Border;
3. U. S. 299 between Redding and Alturas;
4. U. S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville;
5. State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
6. State Highway 20 between Marysville, California, and Junction U. S. 40;
7. U. S. 40 between San Francisco and California-Nevada State Line;
8. U. S. 50 between Sacramento, California, and California-Nevada State Line;
9. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
10. U. S. 66 between Los Angeles and Needles, California;
11. U. S. 50 between Los Angeles, California, and California-Arizona State Line;
12. U. S. 91 and 466 between Barstow and Nevada-California State Line;
13. State Highway 127 between Baker and Nevada-California State Line.

(b) By Allyn Tank Line, Inc., a corporation, M. G. Hitchcock, doing business as Hitchcock Transportation Co., upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between San Francisco and Los Angeles;
2. U. S. 99 between Sacramento and Los Angeles;
3. U. S. 40 between San Francisco and the Nevada-California State Line;
4. U. S. 50 between Sacramento and the California-Nevada State Line;
5. U. S. 395 between the California-Nevada State Line at Topaz Lake and Junction U. S. 66;

6. U. S. 66 between Los Angeles and Barstow, California;
7. U. S. 91 and 466 between Barstow and the Nevada-California State Line;
8. State Highway 127 between Baker and Nevada-California State Line.

(c) By Pacific Truck Service, Inc., a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes, subject to the following restriction:

No liquefied petroleum gases shall be transported from or to any point in California south of a line running through King City, Fresno, and Bishop.

1. U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and Los Angeles;
2. U. S. 99, 99-E, and 99-W between Oregon-California State Line and Los Angeles;
3. U. S. 299 between Redding and Alturas, California;
4. U. S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville;
5. State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
6. State Highway 20 between Marysville, California, and Junction U. S. 40;
7. U. S. 40 between San Francisco and California-Nevada State Line;
8. U. S. 50 between Sacramento, California, and California Nevada State Line;
9. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
10. U. S. 66 between Los Angeles and Barstow;
11. U. S. 91 and 466 between Barstow and Nevada-California State Line;
12. State Highway 127 between Baker and Nevada-California State Line;

(d) By Empire Transportation Company, a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes, subject to the following restriction:

Liquefied petroleum gases and other petroleum products requiring pressurized equipment may be hauled only between Bakersfield and points within fifty (50)

miles thereof, on the one hand, and on the other San Francisco and points within fifty (50) miles thereof, via U. S. 99 and U. S. 50.

1. U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and Los Angeles;
2. U. S. 99, 99-E, and 99-W between Oregon-California State Line and Los Angeles;
3. U. S. 299 between Redding and Alturas;
4. U. S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville;
5. State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
6. State Highway 20 between Marysville, California, and Junction U. S. 40;
7. U. S. 40 between San Francisco and California-Nevada State Line;
8. U. S. 50 between Sacramento, California, and California-Nevada State Line;
9. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
10. U. S. 66 between Los Angeles, California, and Barstow;
11. U. S. 91 and 466 between Barstow and Nevada-California State Line;
12. State Highway 127 between Baker and Nevada-California State Line.

(3) That a certificate of public convenience and necessity, 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 liquefied petroleum gases in all of their forms, including butane, propane, isopropyl, normal butane, natural gasoline, and casinghead gasoline, be and it hereby is granted to each of the following named persons, copartnerships, and corporations, respectively, along the routes and between the points hereinafter specified:

(a) By Motorways Transport Company, a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 By-Pass between San Francisco and the California-Mexico Line;
2. U. S. 99 between Sacramento and the California-Mexico Line;
3. U. S. 40 between San Francisco and the Nevada-California State Line;

4. U. S. 50 between Sacramento and the California-Nevada State Line;
5. U. S. 395 between the California-Nevada State Line at Topaz Lake and Junction U. S. 66;
6. U. S. 66 between Los Angeles and Needles;
7. U. S. 60 between Los Angeles and the California-Arizona State Line;
8. U. S. 91 and 466 between Barstow and Nevada-California State Line;
9. State Highway 127 between Baker and Nevada-California State Line;

(b) By Cities Fuel Corporation, a corporation, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 99, 99-E, and 99-W between Los Angeles and Redding;
2. U. S. 101 between Santa Ana and Crescent City;
3. U. S. 50 between Oakland and the California-Nevada State Line;
4. U. S. 40 between San Francisco and the California-Nevada State Line;
5. U. S. 466 between Famoso and Atascadero;
6. U. S. 466 between Bakersfield and Mojave;
7. State Highway 6 and U. S. 395 between Mojave and Bridgeport;
8. State Highway 33 between Taft and Los Banos;
9. State Highway 152 between Califa and Gilroy.

(4) That in providing service pursuant to the certificates herein granted, there shall be compliance with the following service regulations:

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

In all other respects Applications Numbers 29416, 29417, 29470, 29471, 29472, 29473, 29474, 29490, 29491, 29492, 29506, 29544, 29545, 29546, 29547, 29572, 29586, 29598, 29629, 29631, 29640, 29663, 29667, 29684, 29693, 29711, 29716, 29725, 29759, 29760, 29784, 29786, 29791, 29799, and 29817, as amended, are denied.

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

Dated at San Francisco, California, this 15th day of March, 1949.

R. Z. International
Justus F. Calver
Dr. R. P. Prince
Harold P. Hula

COMMISSIONERS

APPENDIX "A"

Berol & Handler, by Edward M. Berol, for the following applicants:

Lang Transportation Corporation in Application No. 29416
 Fortier Transportation Company in Application No. 29417
 Conyos Tank Lines in Application No. 29471
 Sergeant Transportation Company in Application No. 29472
 Acme Transportation, Inc. in Application No. 29473
 The Carroll Company in Application No. 29474
 Miles & Sons Trucking Service in Application No. 29490
 Sandercock Transfer Company in Application No. 29491
 Terminal Warehouse Company in Application No. 29492
 Pacific Truck Service in Application No. 29667
 Asbury Transportation Company in Application No. 29693
 M. Friis-Hansen & Co. in Application No. 29711
 Capitol Tank Line in Application No. 29799

LeRoy Donkin for Lang Transportation Company in Application No. 29416; Orville A. Schulenberg for Fortier Transportation Company in Application No. 29417; Martin C. Colvin for B-P Corporation (Belyea Truck Company) in Application No. 29663; Gordon, Knapp & Hennessy, by John A. Hennessy, for Pacific Freight Lines in Application No. 29572; as protestant for Charles F. MacGregor in Application No. 29574; Lloyd E. Guerra for Cantlay & Tanzola, Inc., in Application No. 29470, and Allyn Tank Lines in Application No. 29631; Willard S. Johnson for Motorways Transport Company in Application No. 29598 and for Hitchcock Transportation Co. in Application No. 29791; Arlo D. Poe for Cities Fuel Corporation in Application No. 29784, and Richards Transportation Co. in Application No. 29786; Ivan McWhinney for V. F. Hunt Company Tankers, Inc. in Application No. 29694 and Roberts Tank Line in Application No. 29716; F. W. Turcotte for Lamb Transportation Company in Application No. 29586; Fred Aberle for Malco Transportation Company in Application No. 29506; Bertin A. Keyl for President Tank Lines, Inc. in Application No. 29640; Raymond Tremaine for Charles F. MacGregor in Application No. 29574; Glanz & Russell, by Arthur Glanz, for Empire Transportation Company in Application No. 29817; John C. Allen for Reliable Transportation Company in Application No. 29759, and Service Tank Line in Application No. 29760; Edwin L. Taylor for McCutchen Transportation Company in Application No. 29725; and Phil Jacobson for the following applicants:

Rumbley Company in Application No. 29544
Ventura Transfer in Application No. 29545
Citizens Transportation Company in Application No. 29546
Oilfields Trucking Co. in Application No. 29547
La Salle Trucking Company in Application No. 29629

Clair MacLeod and A. W. Nelson for California Western Railroad; E. L. A. Bissinger and William Reinhold for Central California Traction Company, Holton Interurban Railroad Company, Northwestern Pacific Railroad Company, Petaluma & Santa Rosa Railroad Company, San Diego & Arizona Eastern Railroad Company, Santa Maria Valley Railroad Company, Visalia Electric Railway Company, Pacific Electric Railway Company, Southern Pacific Company, Yreka Western Railroad Company, and Sierra Railroad Company; Gibson, Dunn & Crutcher, by Max Eddy Utt, for Trona Railway Company; protestants.

J. B. Kramer for The Atchison, Topeka & Santa Fe Railway Company and the Santa Fe Transportation Company; E. L. Van Dellen for Western Pacific Railroad; Elmer Ahl in propria persona, Harry L. Leilly and W. O. Narry for the Richfield Oil Corporation, interested parties.