

ORIGINAL

Decision No. 44092

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ARROYO GRANDE TRUCK)	
COMPANY for removal of a certificate)	Application No. 30393
restriction and for an in lieu)	
certificate.)	

O P I N I O N

The applicant, Arroyo Grande Truck Company, is a copartner-
 ship composed of Russell B. Mineau, Leonard J. Rong, Clinton E.
 Loomis, J. Vard Loomis, Benjamin D. Conrad, Jr., and Salvador D.
 Reyes, all of Arroyo Grande, California. The original application
 was filed on June 8, 1949, and amended applications were filed on
 August 25, 1949, and January 17, 1950.

Applicant presently operates a highway common carrier
 service by virtue of a certificate of public convenience and
 necessity granted by Decision No. 27745, dated February 11, 1935,
 in Application No. 19774, as amended by Decision No. 27815, dated
 March 11, 1935, issued in connection with the same application.

In this proceeding applicant requests; (1) the removal
 of certain restrictions imposed when the certificate was originally
 granted; (2) authority to transport from "Los Angeles points",
 "San Francisco Bay points", San Jose, Santa Clara and Permanente,
 on the one hand, to Arroyo Grande, and points within 3 miles thereof,
 on the other hand, cattle, poultry feed, seeds, fertilizer (includ-
 ing unrefined sulphur) insecticides, lumber, cement and building
 materials in quantities of not less than 4,000 pounds per shipment
 from one consignor to one consignee; and (3) that a new certificate
 be granted in substitution of the authority presently outstanding,

restating and clarifying the operating rights of the applicant.

The ordering paragraph of Decision No. 27745 which granted the certificate reads in part as follows:

"The Railroad Commission of the State of California hereby declares that public convenience and necessity require the establishment and operation of automotive "on call" service for the transportation of all the commodities listed in applicant's Exhibit "A", (as herein modified), attached to the application herein, between San Luis Obispo, Morro Bay, Pecho, Edna, Pismo Beach, Oceano, Arroyo Grande, Berros, Nipomo, Osoflaco, Guadalupe, Santa Maria, Harriston, Goleta and Summerland, on one hand and Los Angeles on the south and San Jose, San Francisco and Oakland, on the north, with the right of pickup and/or delivery at any point not more than ten (10) miles east of Highway No. 101, and only between Summerland and San Luis Obispo, or for the distances between said highway and the Pacific Ocean between Summerland and San Luis Obispo only, subject to restrictions, limitations and conditions hereinafter imposed in the following manner:

"Southbound — All commodities, except lumber, whose point of origin or destination is north of Summerland and south of the north line of San Luis Obispo city and, in reverse movement, from Los Angeles to the same area.

"Northbound — All commodities, except lumber, whose point of origin or destination is south of the north line of San Luis Obispo city and north of Summerland, and by diversion to Morro Bay and Cayucos, except that nothing other than empty hampers may be transported southbound from San Jose, San Francisco and/or Oakland, provided that certain commodities as named in the tariff shall be defined and limited as follows:

"Feed — only animal and/or poultry feeds

"Seeds — only garden and/or vegetable seeds

"Fertilizer — in sacks, viz: guano, sulphur (unrefined), live poultry fertilizer, nitrates, bone meal, -
and over and along the following routes:

"Between Los Angeles and San Jose and San Francisco, via Highway No. 101, and between San Jose and Oakland, via Highway No. 101-E.

"Between San Luis Obispo and Morro Bay and Cayucos, via County highway.

"Between all other points east or west of said Highway 101, as herein limited, via shortest available county roads, and

provided, that applicant may not transport any commodities from Los Angeles to San Jose, San Francisco or Oakland and vice versa, either through or by transfer."

The restriction which was imposed by Decision No. 27815 reads as follows:

"No shipment will be received or transported where the origin or destination of traffic is at points within three (3) miles of the depots of the rail lines of the Southern Pacific Company, Pacific Coast Railway Company and Santa Maria Valley Railroad Company, and only when the origin or destination may be at points not served by the rail lines, Railway Express Agency, Inc., and Pacific Motor Transport Company."

In support of the request for the removal of this restriction and the granting of the additional authority requested herein, applicant alleges that said restriction and the absence of the authority requested precludes said applicant from performing its full duty to the public in the field of transportation covered by the certificate originally granted by Decision No. 27745 in that the pickup and delivery points are unreasonably restricted to the detriment of the public and that there is a present demand on the part of shippers within the territory sought to be served for the type of transportation which would be permitted by the removal of the restriction and the granting of the additional authority requested. It is further stated in the application that applicant is repeatedly called upon to perform transportation service for shippers and receivers of freight involving shipments originating from points in the San Francisco Bay area and within the Los Angeles area and to handle shipments moving from and to the points which are within the restricted areas and as a consequence has been compelled to refuse to handle such shipments by reason of said restrictive condition. It is also stated that service of the

character herein proposed is not now being offered or performed by any highway common carrier between the points proposed to be served by applicant.

Copies of the application were mailed to Pacific Freight Lines, Southern Pacific Company, Pacific Motor Trucking Company and California Motor Express all of whom have waived protest to the granting of this application.

After carefully considering the facts alleged it appears that public convenience and necessity require that the application be granted. A public hearing is deemed unnecessary. A new certificate restating and superseding the applicant's present operative rights will be issued.

O R D E R

Good cause appearing,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity authorizing operation of an "on-call" service as a highway common carrier as defined in Section 2-3/4 of the Public Utilities Act is hereby granted to Russell B. Mineau, Leonard J. Rong, Clinton E. Loomis, J. Vard Loomis, Benjamin D. Conrad, Jr., and Salvador D. Reyes, a copartnership for the transportation of the commodities and between the points specified below:

a. Fresh fruits and fresh vegetables from the San Luis Obispo-Summerland territory (hereafter defined) to Los Angeles, San Pedro, Wilmington, Vernon, South Gate, Huntington Park, Long Beach, Inglewood, Glendale, Pasadena, San Jose, San Francisco,

South San Francisco, Oakland, San Leandro, Berkeley and Emeryville.

b. Empty containers from Los Angeles, San Pedro, Wilmington, Vernon, South Gate, Huntington Park, Long Beach, Inglewood, Glendale, Pasadena, San Jose, San Francisco, South San Francisco, Oakland, San Leandro, Berkeley and Emeryville to the San Luis Obispo-Summerland territory.

c. Cattle and poultry feed, seeds, fertilizer (including unrefined sulphur), insecticides, lumber, cement, and building materials in quantities of not less than 4,000 pounds per shipment from one consignor to one consignee from Los Angeles, San Pedro, Wilmington, Vernon, South Gate, Huntington Park, Long Beach, Inglewood, Glendale, Pasadena, San Francisco, South San Francisco, Oakland, San Leandro, Berkeley, Emeryville, San Jose, Santa Clara and Permanente to Arroyo Grande and points within 3 miles thereof.

(2) That the San Luis Obispo-Summerland territory is hereby defined as all points and places on or within the following described highways and area:

a. State Highway No. 1 between Morro Bay and San Luis Obispo.

b. U. S. Highway 101 between San Luis Obispo and Summerland.

c. The area lying 10 miles easterly of U. S. Highway 101 and, on the opposite side, between said highway and the Pacific Ocean between San Luis Obispo and Summerland.

(3) Applicants are hereby prohibited from performing through transportation service under the certificate herein granted between points north of San Luis Obispo on the one hand and points

south of Summerland on the other.

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

- a. Within 30 days after the effective date hereof applicant shall file a written acceptance of the certificate herein granted.
- 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. 80 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change and modify such at any time the applicant shall conduct said highway common carrier operation over and along the following prescribed routes:
 1. Between the San Luis Obispo-Summerland territory to San Francisco, South San Francisco, Santa Clara, San Jose via U.S. Highway 101 and U.S. Highway 101 Bypass.
 2. Between U.S. Highway 101 and Permanente via an unnumbered county road.
 3. Between San Jose, San Leandro, Emeryville, Oakland and Berkeley via State Highway No. 17.
 4. Between the San Luis Obispo-Summerland territory and Los Angeles, San Pedro, Wilmington, Vernon, South Gate, Huntington Park, Long Beach, Inglewood, Glendale and Pasadena via U. S. Highway 101 and 101 alternate and connecting roads and highways.

5. That the operative authority granted by Decision No. 27745 and amended by Decision No. 27815 both in Application No. 19774 are hereby revoked, cancelled and annulled.

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

Dated at San Francisco, California, this 25th
day of April, 1950.

R. Z. Indarava

Arthur F. Casner

Edward L. Russell

Harold H. Kula

Frederick D. Potter

COMMISSIONERS