

ORIGINAL

Decision No. 45557

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GEORGE C. WIEDEMAN and FERN P. WIEDEMAN, dba Broomcrust & Wiedeman for Radial Highway Common Carrier Permit.)	Application No. CRC-36-2940
)	
Application of GEORGE C. WIEDEMAN and FERN P. WIEDEMAN, dba Broomcrust & Wiedeman for Highway Contract Carrier Permit.)	Application No. CRC-36-2941
)	

F. W. Turcotte and Jack O. Goldsmith for applicant.
Arthur Glanz for Victorville-Barstow Truck Line, interested party,
and Floyd McColl and James H. Lucas for the Public Utilities Com-
mission.

O P I N I O N

Applicants herein request authority to conduct operations as a radial highway common carrier and also as a highway contract carrier, under the Highway Carriers' Act.

These permit applications were set for hearing as a result of Decision No. 44201, dated May 23, 1950, in Case No. 5132, and Decision No. 44229, dated May 23, 1950, on Application No. 30879.

In these decisions the Commission reviewed the status of applicants herein, and concluded that, on the showing therein made, these applicants "have no further requirements for their radial highway common carrier and their contract highway carrier permits."

A public hearing was held in the matter before Examiner Syphers at San Bernardino, on February 7, 1951. At the hearing testimony was presented by shipper witnesses to the effect that there existed a need for applicants' services as a radial and contract carrier in occasional hauls between San Bernardino and Baker, California, and between Imperial Valley points and Riverside, Los Angeles, and San Bernardino. Testimony was also presented by various carriers indicating a need for the occasional hauling of shipments going to various desert points, and also a desire to use applicants in this type of hauling.

The traffic manager for applicants testified that the company is presently making regular trips in hauling produce between San Bernardino and Yuma, Arizona, and that it is capable of transporting occasional intrastate shipments within the area which it now traverses. Likewise, the applicants are making trips in the transportation of fruits and vegetables between San Bernardino and Las Vegas, Nevada, and, under its certificate from this Commission, is conducting hauling into the Victorville-Barstow and so-called mountain areas. However, applicants' witnesses testified that they are not interested in securing additional freight to these last-named areas.

Further testimony related to the equipment which applicants presently operate, and disclosed the fact that applicants are now engaged in the produce business in San Bernardino and perform hauling for that business as a proprietary carrier, in addition to the hauling they do as a certificated carrier.

The only opposition presented at the hearing was that of the Victorville-Barstow Truck Line, and this opposition

merely took the form of protesting service to those points which are presently served by the Victorville-Barstow Truck Line, under Decision No. 34651, dated October 7, 1941, on Application No. 24143.

While this record does not indicate any deficiencies in the existing service of the Victorville-Barstow Truck Line, yet it should be noted that that service is conducted under a certificate of public convenience and necessity issued by this Commission, authorizing operations as a highway common carrier. The instant applications request authority to operate as a radial highway common carrier and as a highway contract carrier. While the distinctions between these types of carriers are sometimes difficult to set out, nevertheless the existing statutes do contemplate that the operations of a highway common carrier, under the Public Utilities Act, are different in law and in fact than the operations of a highway carrier under the Highway Carriers' Act. Therefore, it would not be an invasion of the existing rights of Victorville-Barstow Truck Line to authorize a permitted carrier to serve the same area. Furthermore, it has been the policy of this Commission not to place territorial restrictions in the permits issued to highway carriers under the Highway Carriers' Act. There is no question on this record as to applicants' ability to perform the proposed hauling. Accordingly, the instant applications will be granted.

O R D E R

Applications as above entitled having been filed,
the Commission being fully advised in the premises and hereby
finding it to be in the public interest,

IT IS ORDERED that George C. Wiedeman and Fern P.
Wiedeman, doing business as Broomcris & Wiedeman, be, and they
hereby are, issued permits to conduct operations as a radial high-
way common carrier and as a highway contract carrier, under the
terms of the Highway Carriers' Act.

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

Dated at San Francisco, California, this 10th
day of April, 1951.

R. J. [Signature]
Harold P. [Signature]
[Signature]
[Signature]

COMMISSIONERS