

ORIGINAL

Decision No. 47242

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY for a)
certificate of public convenience and)
necessity authorizing transportation)
of property as a highway common carrier)
between Los Angeles and Goleta (Santa)
Barbara Airport) and all intermediate)
rail points, and for an in lieu certifi-)
cate.)

Application No. 32414,
as amended.

William E. Meinhold and Frederick E. Fuhrman for applicant
and for Southern Pacific Company as intervenor in behalf of
applicant.

Gordon, Knapp and Gill by Hugh Gordon and M. Volney Brown, Jr.,
for Pacific Freight Lines and Pacific Freight Lines Express,
protestants.

Douglas Brookman for California Motor Express, Ltd., and
California Motor Transport, Ltd., as protestants.

Henry J. Bischoff and J. B. Robinson for Southern California
Freight Lines and Southern California Freight Forwarders as
interested parties.

O P I N I O N

Pacific Motor Trucking Company, a California corporation,
is engaged in conducting operations as a highway common carrier
in this State under numerous certificates of public convenience
and necessity issued by this Commission. Applicant also conducts
operations as a city carrier and as a highway contract carrier
under permits issued by this Commission. It presently operates in
the territory involved in this application pursuant to certificates
issued by Decision No. 30098, dated September 7, 1937, in
Application No. 19563; Decision No. 31882, dated March 30, 1939,
in Application No. 19563; Decision No. 34810, dated December 2,
1941, in Application No. 23910; Decision No. 37362, dated September
26, 1944, in Application No. 23910; Decision No. 34627, dated
September 30, 1941, in Application No. 24325; Decision No. 35726,
dated September 1, 1942, in Application No. 24325 and Decision No.

44455, dated June 27, 1950, in Application No. 31138. These certificates authorize service between Santa Barbara and Montecito; between Ventura, Ojai, Saticoy, Santa Paula, Oxnard and intermediate points on rail lines of Southern Pacific Company between Santa Barbara and Goleta (Santa Barbara Airport); and between Oxnard and Santa Susana and all intermediate points which are rail stations on the lines of Southern Pacific Company, including all facilities of Camarillo State Hospital at or near Camarillo, as a highway common carrier.

By this application as amended applicant seeks a certificate of public convenience and necessity to authorize it to operate as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code for the transportation of property, except uncrated household goods and other commodities for which the Commission has prescribed minimum rates in Appendix "A", Decision No. 32325, City Carriers' Tariff No. 3 and Highway Carriers' Tariff No. 4, between Los Angeles and Goleta (Santa Barbara Airport) serving all intermediate points which are rail stations on both main and branch lines of Southern Pacific Company between these termini and also all facilities of Camarillo State Hospital at or near Camarillo. It is requested that all the above designated certificated rights be cancelled and similar rights issued in a new certificate to include such rights and also the right to serve said points from Los Angeles. Such combined service is to be limited to that which is auxiliary to, or supplemental of, the rail service of Southern Pacific Company. The latter company will handle no freight in less than carload lots but only operate carload shipments between these points, by rail, in the event the present application is granted.

Public hearings were held before Examiner Rowe in Los Angeles and Santa Barbara in February, March and May 1952, at which time oral and documentary evidence was adduced and on May 5, 1952, the matter was duly submitted and is now ready for decision.

A representative of applicant, whose duties consist principally in assisting executives and general officers in supervising its operations, testified that present certificates are restricted in one way or another, so as to prevent their full use in handling by truck that traffic moving between points in this area. None of the certificates permit the distribution directly by truck between the Santa Barbara territory and Los Angeles. The most common and restrictive condition in these certificates is that all shipments must be hauled in a rail car in addition to the movement by applicant's trucks.

This witness stated there were several principal considerations which caused the filing of this application.

First, if the operative rights sought were granted traffic moving to and from rail patrons situated between Los Angeles and Goleta would be handled more efficiently and expeditiously.

Second, in many instances, the proposal would result in improved in-transit time on shipments originating at rail points in the territory between Los Angeles and Goleta moving to and from Los Angeles and points beyond Los Angeles both to the north and east thereof.

Third, rail operating economies would result through utilization of the more complete substitute truck service here proposed.

Fourth, store door service would be made available at rail stations in this area where such service is not now being

offered because of the lack of necessary facilities to provide it, and,

Fifth, the proposal would eliminate some transfers between rail and truck which would result ultimately in the reduction of delay and damage to freight.

Approximately thirty public witnesses testified there is a public need for the improvement of service which will be effected by granting the requested authority to applicant. Several of these stated that they had been unable to use the Southern Pacific Company service or that of applicant because it was presently too slow to meet their needs. Some stated that they would use applicant's proposed service or use it more frequently provided the above improvements in service were effected.

At the hearing the traffic manager for protestant Pacific Freight Lines testified that that company has operating rights and serves all points affected by the present application. The possibility that the improvements in service which will result from the granting of this application may adversely affect said protestant is not considered as presenting sufficient justification for denying the requested authority. The service Pacific Motor Trucking Company seeks to render is a practical operation which is needed by the public using Southern Pacific Company's facilities and it will be a great convenience to such shippers and receivers of freight. The Commission finds therefore that public convenience and necessity require the issuance to applicant of the requested authority.

O R D E R

Public hearings having been held in the above-entitled proceeding, the matter having been submitted, and the Commission

having found 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 Pacific Motor Trucking Company, authorizing the establishment and operation of service as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property, except uncrated household goods and other commodities for which the Commission has prescribed minimum rates in Appendix "A" Decision No. 32325, dated September 19, 1939, in Case Nos. 4086 and 4099, City Carriers' Tariff No. 3 and Highway Carriers' Tariff No. 4 between Los Angeles and Goleta (Santa Barbara Airport) serving all intermediate points which are rail stations on both main and branch lines of Southern Pacific Company between these termini including also all facilities of Camarillo State Hospital at or near Camarillo subject to the restriction that the service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, the rail service of Southern Pacific Company.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, appropriate tariffs and timetables.
- (c) Subject to the authority of this Commission to change or modify the service or routes by further order, applicant shall conduct operations pursuant to the certificate herein granted to it, over and along U. S. Highway 99, 101, 399 and

A. 32414 as amended AM *

101-A, State Highways 150, 126, 118, 23 and over any other appropriate county road or city street.

(3) That the highway common carrier operative rights granted to applicant by the following decisions are hereby cancelled, revoked and annulled concurrently with the acceptance of the certificate herein granted:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
30098	9/7/37	19563
31042	6/27/38	19563
31882	3/30/39	19563
34810	12/2/41	23910
37362	9/26/44	23910
34627	9/30/41	24325
35726	9/1/42	24325
44455	6/27/50	31138

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

Dated at Los Angeles, California, this 5th day of June, 1952.

R. J. [Signature]
PRESIDENT
Justin F. [Signature]
Harold P. [Signature]
[Signature]
COMMISSIONERS