

ORIGINAL

Decision No. 48506

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)	Application No. 26433
and necessity to operate motor truck)	1st Supplemental
service as a highway common carrier)	
of property between Oakland and Tracy,)	
California, and certain intermediate)	
points.)	

William Meinhold, for applicant.

O P I N I O N

By its petition filed February 15, 1952 Pacific Motor Trucking Company seeks to remove restrictions imposed in Decision No. 39414, dated September 17, 1946, as amended by Decision No. 40364, dated June 3, 1947 and Decision No. 43636, dated December 20, 1949 in Application No. 26433.

As the result of these decisions petitioner was authorized to render service as a highway common carrier between Oakland and Tracy, serving all rail intermediate points situated on the line of Southern Pacific Company extending from Oakland to Tracy via Martinez, including those situated on the San Ramon Branch line extending from Avon to San Ramon, subject to key point restrictions at San Francisco, Oakland, Creston, Dublin, Manteca, Tracy and a restriction against through truck operations between San Francisco, Oakland, Alameda, Emeryville and Berkeley, on the one hand, and, on the other hand, Banta, Lyoth and points north, east and south thereof.

A public hearing was held before Examiner Daly on April 15, 1953 at San Francisco and the matter was submitted. No appearance was made in protest to the authority here sought. Many

of the carriers informed the Commission by letter that they would not protest.

With respect to the key point restrictions petitioner takes the position that the California Supreme Court decision in Southern California Freight Lines vs. Public Utilities Commission, 35 C. 2d 586, which set aside an order of this Commission to the extent that it attempted to prevent the linking up of operating rights in single ownership nullified said restrictions. As for the restriction against through traffic between the Bay area and Banta, Lyoth and such points, the record indicates that said restriction was imposed as the result of a stipulation between petitioner and Valley Lines. The reasons which gave rise to the stipulated restriction apparently have long since passed, for the record contains a letter from Valley Lines in which it waives protest to the removal of said restriction.

The record indicates that although the key point restrictions were designed at the time to prevent linking up of operations and through service to the San Joaquin Valley, Sacramento Valley and other points, petitioner has subsequently acquired through rights to such points via other more circuitous routes. Likewise applicant could, if it chose, transport shipments destined to valley points by transferring the lading at a key point without violating the restriction. This, however, it is admitted would result in delay and additional expense. ✓

According to Exhibit 15 introduced by petitioner, the net annual savings on traffic moving via truck rather than rail between the bay area and the San Joaquin Valley would amount to \$108,311.

After full consideration the Commission is of the opinion that there is no longer a need for continuing the restrictions

herein considered. Their removal will not only result in a savings to petitioner but will also result in an improved and expedited service to a substantial portion of the shipping public. The petition will be granted.

O R D E R

A petition having been filed, a public hearing held thereon and it being found that public convenience and necessity so require,

IT IS ORDERED:

(1) That Decision No. 39414, dated December 17, 1946, as amended by Decision No. 40364, dated June 3, 1947 and Decision No. 43636, dated December 20, 1949, in Application No. 26433, is hereby further amended by deleting therefrom subparagraphs (c) and (d) of paragraph (1).

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

Dated at San Francisco, California, this 21st day of April, 1953.

A. J. Anderson
President

Justice J. Calmes
James H. Huls

Frederick P. Potter
John L. Mitchell
Commissioners