

ORIGINAL

Decision No. 53778

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GARDEN CITY TRANSPORTATION CO., LTD.,)
 for the removal of certain restrictions) Application No. 37973
 from its certificate of public)
 convenience and necessity as a highway)
 common carrier.)

J. Richard Townsend, for applicant.
Bertram S. Silver and Edward M. Berol, for
 Highway Transport, Inc.; William Meinhold
 and Frederick E. Fuhrman, for Southern
 Pacific Company and Pacific Motor Transport
 Company; protestants.
Frederick W. Mielke, for Mission Freight Lines,
 Inc.; Daniel W. Baker, in propria persona;
 J. J. Deuel and Joseph Q. Joynt, for California
 Farm Bureau Federation; Williard S. Johnson,
 for J. Christenson Co.; interested parties.

OPINION ON REHEARING

On May 28, 1956, the Commission issued its ex parte order (Decision No. 53157 in Application No. 37973) authorizing the removal of a 20,000 pound weight restriction from applicant's certificated operations.

On June 26, 1956, it issued an order granting rehearing of the matter. A public hearing was held before Examiner Daly on August 2, 1956 at San Francisco.

Applicant is presently authorized to transport general commodities between points in the area bounded by Bradley, Monterey, Santa Cruz, San Francisco and Richmond (except between San Francisco, San Leandro, Piedmont and Emeryville). It is also authorized to transport canned goods, dried fruit, and canned and dried fruit packing plant machinery, materials, and supplies between San Jose

and points within ten miles of the city limits of San Jose, on the one hand, and Stockton and Sacramento, on the other hand. Such authority is subject to a 20,000 pound weight restriction.

According to applicant shippers are demanding a complete service on all shipments regardless of weight. This assertedly has resulted in keener competition with permitted carriers. The present restriction, applicant claims, has caused considerable confusion with the shipping public as well as with applicant's employees.

Protestants contend that such weight restrictions should not be removed in the absence of a complete showing indicating a public need therefor.

In reviewing the history of weight restrictions it is interesting to note that with few exceptions the Commission rarely so limited operative rights as a result of the public showing made. In most instances they came about because of stipulations between the parties. An appraisal of weight restrictions as such can only lead to the conclusion that they are arbitrary, confusing and impractical. They invite violations of tariffs and of the provisions of the certificate. They are impractical to operate under, impractical to enforce and in the absence of extenuating circumstances are not in the public interest.

After consideration the Commission is of the opinion and so finds that Decision No. 53157 dated May 28, 1956, in Application No. 37973, should be affirmed.

ORDER

Rehearing having been granted, a public hearing
having been held and the Commission having been informed in the
premises,

IT IS ORDERED that Decision No. 53157 dated May 28, 1956,
in Application No. 37973, is hereby affirmed.

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

Dated at San Francisco, California, this 19th day
of SEPTEMBER, 1956.

John E. Middle
President

Justin J. Caswell

Raymond J. Antares

Walter J. Davel

Be. H. H. H.
Commissioners