

**ORIGINAL**

Decision No. 58678

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Arthur D. Paxton, doing business as )  
PAXTON TRUCK COMPANY to publish Rules )  
and Regulations under authority of ) Application No. 39938  
Sections Nos. 452, 460 and 491 of the )  
Public Utilities Code of the State of )  
California. )

OPINION AND ORDER

Applicant is a highway common carrier of specified commodities between various points in the State of California. By this application he seeks authority to publish, on less than statutory notice, under Section 452 of the Public Utilities Code, diversion and reconsignment rules for the transportation of lumber and lumber products which are comparable to those of competing rail carriers. Authority is also sought to depart from the long-and-short-haul provisions of the Public Utilities Code (Section 460.)

Applicant's proposal involves the holding of truckload shipments of lumber and lumber products at his terminal yards at Montebello and Kaiser for subsequent diversion or reconsignment at the through rate from point of origin to point of destination plus certain additional charges. Under the provisions of the Commission's minimum rate orders, applicant may publish provisions in his tariff at the same rates and for the same services as covered by tariffs of competing rail carriers. Applicant states that because of the location of his yard at Montebello, he would have to physically divert his equipment at Los Angeles instead

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of Montebello to comply with the foregoing authorization. Applicant alleges that diversion of his equipment at Los Angeles would cause great delay and inconvenience to the shipping public as well as to applicant. It is alleged that charges for diversion services at Montebello on the part of applicant will be the same as or higher than the charges of the competing rail carriers performing the same services at their Los Angeles team tracks.

The application shows that on or about March 13, 1958, a copy of the application was served on various interested parties. No objection to its being granted has been received.

In the circumstances it appears, and the Commission finds, that applicant's proposal is reasonable and justified by transportation conditions. In addition, the sought authority to depart from the long-and-short-haul provisions of the Constitution of the State of California and of the Public Utilities Code is required and will be authorized.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Arthur D. Paxton, doing business as Paxton Truck Company, is hereby authorized, on not less than five days' notice to the Commission and the public, to publish the provisions set forth in Exhibit "A" of Application No. 39938.

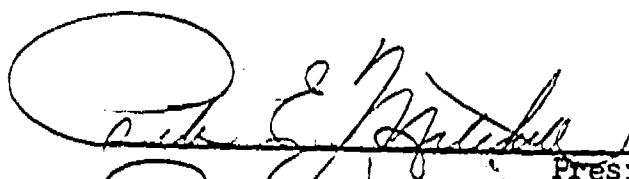
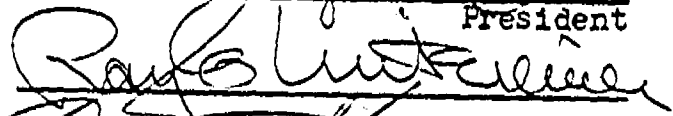

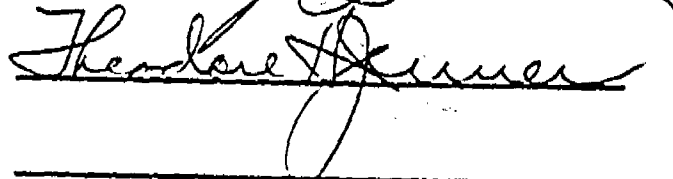
(2) That applicant is hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and from the provisions of Section 460 of the Public Utilities Code to the extent necessary to establish the provisions authorized in the preceding ordering paragraph.

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(3) That the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of May, 1958.

  
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President  
  
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Commissioners