

ORIGINALDecision No. 58209

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 HOWARD TERMINAL, a corporation,
 for authority to transfer a Certi-
 ficate of Public Convenience and
 Necessity to operate as a highway
 common carrier for the transportation
 of property to its subsidiary,
 El Dorado Motor Transportation Company,)

and

Application No. 40666

EL DORADO MOTOR TRANSPORTATION COMPANY,)
 a corporation, for authority to
 establish joint rates with Constructors
 Transport Co., Sterling Transit Company,
 Charles P. Hart Transportation Company
 (now Watson Brothers), Willig Freight
 Lines, Coast Line Truck Service,
 Shippers Express Company, and Howard
 Terminal.)

O P I N I O N

Howard Terminal (hereinafter at times referred to as
 Howard) and its subsidiary El Dorado Transportation Company (herein-
 after at times referred to as El Dorado) request the following:

- (1) Howard to transfer and assign to El Dorado operative rights as a highway common carrier between Oakland, on the one hand, and Sacramento and Stockton, on the other hand.
- (2) El Dorado to establish joint rates with interchange at Oakland with Coast Line Truck Service, Shippers Express Company, Sterling Transit Company, Charles P. Hart Transportation Company (now Watson Brothers), Willig Freight Lines and Constructors Transport Company to supersede and replace joint rate arrangements presently in effect between said carriers and Howard.
- (3) El Dorado and Howard to establish joint rates with interchange at Oakland instead of Sacramento.

- (4) Howard, El Dorado and carriers heretofore named to depart from applicable constitutional and statutory provisions relating to the long and short haul to the extent necessary to establish said joint rates.

Howard is presently operating as a highway common carrier for the transportation of general commodities between Oakland, on the one hand, and Alvarado, Decoto, Fremont, Newark, Milpitas, Alviso, Agnew, San Carlos, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose, Stockton and Sacramento, on the other hand. Howard is also authorized to serve in the San Francisco-East Bay cartage zone.

El Dorado is presently operating as a highway common carrier between Sacramento, on the one hand, and Elverta, Lincoln, Folsom, Freshpond in the vicinity of Pollock Pines, and Jackson, on the other hand, with service to intermediate points and certain off-route points. The proposed transfer would enable El Dorado to provide service between Oakland and all points that it is presently authorized to serve. No consideration would be paid for the requested transfer.

Applicants allege that on or about July 5, 1957, Howard acquired all of the issued and outstanding stock of El Dorado pursuant to authority granted by the Interstate Commerce Commission; that since the acquisition El Dorado has been operated under the control of Howard but as a separate corporation; that eventually it is expected that El Dorado will be merged into Howard; that the proposed transfer will eliminate the operation of a two-line service between Oakland and El Dorado points via Sacramento; that it would result in faster service and economies in operation; that Howard is presently authorized to make joint rates and through route arrangements with the aforementioned carriers.

After consideration the Commission is of the opinion and so finds that the proposed transfer would not be adverse to the public interest and that the authority sought should be granted. A public hearing is not necessary.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That on or before September 1, 1959, Howard Terminal is hereby authorized to transfer and assign and El Dorado Motor Transportation Company, is hereby authorized to acquire that portion of the operative rights granted by Decision No. 53371 in Application No. 36062, authorizing service between Oakland, on the one hand, and Sacramento and Stockton, on the other hand.

(2) That, within thirty days after the consummation of the transfer herein authorized, El Dorado Motor Transportation Company shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

(3) That, on not less than five days' notice to the Commission and to the public, applicants shall, effective concurrently with the consummation of such transfer, amend or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved, including joint rate arrangements, to show that Howard Terminal has withdrawn or canceled and El Dorado Motor Transportation Company has adopted or established as its own said rates, rules and regulations. The tariff filings made

pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

(4) That El Dorado Motor Transportation Company is hereby authorized to establish and maintain joint rates and through routes with interchange at Oakland with Coast Line Truck Service, Shippers Express Company, Sterling Transit Company, Watson Brothers, Willig Freight Lines, and Constructors Transport Company, and the authority heretofore granted to Howard Terminal and said carriers to enter into joint rates and through routes with interchange at Oakland is hereby revoked, said revocation to take effect concurrently with the effective date of tariff filings naming joint rates as authorized in this paragraph.

(5) That El Dorado Motor Transportation Company and Howard Terminal are hereby authorized to establish and maintain joint rates and through routes with interchange at Oakland between all points served by said applicants and the authority heretofore granted to said applicants to enter into joint rates and through routes with interchange at Sacramento is hereby revoked, said revocation to take effect concurrently with the effective date of tariff filings naming joint rates as authorized in this paragraph.

(6) That Howard Terminal and El Dorado Motor Transportation Company as well as the carriers mentioned in ordering paragraph (4) hereof are hereby authorized to depart from the long and short haul provisions of Article XII, Section 21, of the Constitution

of the State of California and Section 460 of the Public Utilities Code to the extent necessary to establish said joint rates.

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

Dated at San Francisco, California, this 31st day of March, 1959.

E. Lynn Fox
President

Walter R. ...

William ...

Thomas ...

Conrad ...
Commissioners