

ORIGINALDecision No. 58986

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CAREY TRUCK LINE, INC., for the
 extension of its certificates of
 public convenience and necessity as
 a highway common carrier of property.

Application No. 39998

Ivan McWhinney, for applicant.
Donald Murchison, for Southern California Freight
 Lines, Southern California Freight Forwarders,
 California Motor Transport Co., Ltd. and
 California Motor Express, Ltd.; Glanz & Russell,
 by Richard D. Hassenplug, for Constructors
 Transport Company and George C. Smith, Jr., dba
 Smith Transportation Company; H. J. Bischoff,
 for Oxnard Trucking Service - Carr Bros.,
 protestants.

OPINION ON REHEARING

Rehearing in the above-entitled proceeding was held in Los Angeles on July 7, 1959. After a careful consideration of the oral arguments presented at this rehearing, the Commission is of the opinion and finds that public convenience and necessity require that the original order, and the appendix thereto, of Decision No. 58058 issued February 24, 1959, should be modified in part as follows:

(1) The route description to be used by the applicant in the transportation of general commodities between Las Cruces and Santa Maria should be amended in part to read as described in the amended Appendix A, attached to the order that follows.

(2) That part of the applicant's present certificate covering oil field equipment and supplies (Part II, Page 3 of Appendix A) should be modified to include therein authorization to serve all off-route points located 15 miles laterally of all authorized routes. The carrier possessed

this authority prior to the original proceedings and it was never the intention to annul these lateral rights by the redescription and restatement of the carrier's certificate.

(3) A second route over U.S. Highway 101 between Santa Paula and Buellton will be permitted as an alternate route only and subject to a restriction on service to intermediate points. The evidence at the original hearings disclosed that there is a definite public need for regular highway common carrier service of general commodities between these points over California State Highway 150. At present there is no carrier providing such service. If U.S. Highway 101 were authorized as an alternate route with service to intermediate points, local service to the smaller communities and ranches along said California State Highway 150 would be adversely affected. On the other hand, there is no valid reason for requiring the carrier to use this secondary highway which passes through densely populated and restricted residential regions when there is to be no service to intermediate points along said route.

(4) After a careful re-evaluation of all the evidence this carrier's certificate will be amended in order to authorize general commodity carriage between Oxnard and Santa Maria over U.S. Highway 101. None of the protestants operate only between these points and it appears that the service as proposed by the applicant is not available to the shippers in these cities at the present time. The record discloses a public need for general commodity transportation between these communities.

This amendment in no way alters our original finding that the evidence was insufficient to justify a grant of authority from Los Angeles to points north along U.S. Highway 101, as this change authorizes service only between Oxnard and Santa Maria and does not permit the applicant to originate shipments at Los Angeles. In the absence of such right the restriction requested by Smith Transportation Company is not necessary. However, in order to preclude operations from Los Angeles on a joint-rate and through-route basis with other carriers this grant will include an appropriate restriction therein.

(5) The applicant's certificate will be revised to sanction the transportation of general commodities to off-route points located within a radius of 15 miles laterally of California State Highway 33. These lateral rights are necessary in this oil field territory because the evidence establishes that many of the points to be served by the applicant under the authority granted in the original decision are located off route from said

highway and are not being adequately served by protestants holding general commodity authority. We are satisfied that this carrier can render sufficient general commodity service to such off-route points in conjunction with its present oil field operations.

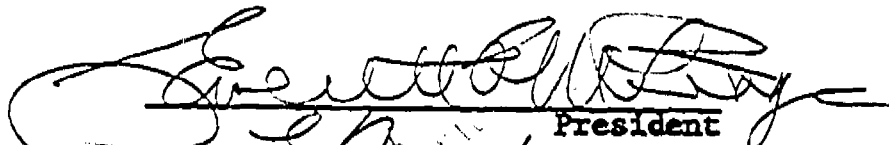
ORDER ON REHEARING

Now Therefore, rehearing having been held and the Commission being of the opinion and finding that Decision No. 58058 issued February 24, 1959 should be amended,

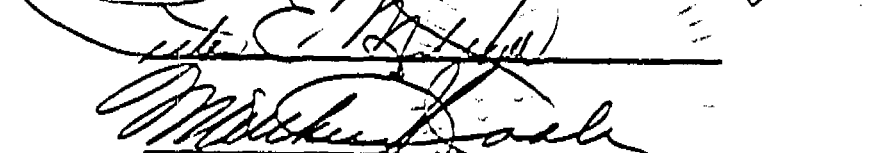
IT IS ORDERED that Appendix A of Decision No. 58058 is hereby amended by substituting First Revised Pages 1 through 4 and Original Page 5, attached hereto and made a part hereof, in the place and stead of the Original Pages.

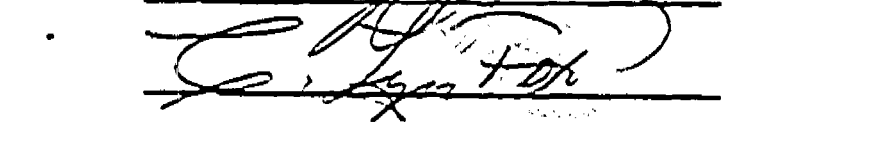
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of September, 1959.



 President





 Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.

I. General Commodities

A. Carey Truck Line, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places, and over the routes specified, as follows:

- *1. Between Las Cruces and Santa Maria via California State Highway 1 from Las Cruces to Orcutt, thence via unnumbered county roads and public streets to Santa Maria, serving all intermediate points.
- *2. Between Santa Paula and Buellton via California State Highway 150, serving all intermediate points; or via California State Highway 126 to Ventura, thence via U.S. Highway 101 to Buellton, as an alternate route serving no intermediate points.
- 3. Between Castaic Junction and Ventura via California State Highway 126, serving all intermediate points.
- *4. Between Los Angeles and Mendota via U.S. Highway 99 to junction with U.S. Highway 466, thence via U.S. Highway 466 to junction with California State Highway 33, thence via California State Highway 33,

OR

Via U.S. Highway 99 to junction with California State Highway 166, thence via California State Highway 166 to junction with California State Highway 33, thence via California State Highway 33.

Authority is granted to serve all off-route points located within a radius of 15 miles laterally of State Highway 33.

Provided however:

Service of general commodities shall not be rendered to intermediate points over and on U.S. Highway 99 between Los Angeles and Bakersfield.

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*Changed by Decision No. 55256, Application No. 39998.

5. Between Castaic and Gorman via Old Ridge Route via Sandbergs, serving all intermediate points.
6. Between Greenfield and Taft via U.S. Highway 399, serving all intermediate points.
7. Between Bakersfield and McKittrick via California State Highway 178, serving all intermediate points.
8. Between Devils Den and Oilfields via County Road to junction with California State Highway 41, thence via California State Highway 41 to junction with California State Highway 198, thence via California State Highway 198, serving all intermediate points.
9. Between Maricopa (the junction of California State Highways 33 and 166) and Santa Maria (junction of U.S. Highway 101 and California State Highway 166) via California State Highway 166, with service from and to all intermediate and off-route points located within a radius of 15 miles laterally of State Highway 166.
- 10.. Between Maricopa and Ventura via U.S. Highway 399 serving all intermediate points and all off-route points located within a radius of 15 miles laterally of said U.S. Highway 399.
- **11. Between Oxnard and Santa Maria via U.S. Highway 101-A to junction with U.S. Highway 101, thence via U.S. Highway 101, serving all intermediate points.

Provided however:

Applicant shall not establish through routes and joint rates, charges and classifications with other carriers as to the authority hereinabove set forth in paragraph I.A.11.

B. Carey Truck Line, Inc., shall not transport any shipments of:

- a. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- b. Automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including

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**Added by Decision No. 55986, Application No. 39998.

jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis.

- c. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- d. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- e. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- f. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

II. Oil Field Equipment and Supplies

*A. Further, Carey Truck Line, Inc., is authorized to transport the commodities set forth in Paragraph B between all points and places, and over the routes specified, including all off-route points located within a radius of 15 miles laterally of the named highways, as follows:

- 1. Between Los Angeles and San Luis Obispo via Washington Boulevard, or via California State Highway 26, or via U.S. Highway 66 to junction with U.S. Highway 101 Alternate, thence via U.S. Highway 101 Alternate to junction with U.S. Highway 101, thence via U.S. Highway 101,

or

Via U.S. Highway 101,

or

Via U.S. Highway 6 to junction with California State Highway 118, thence California State Highway 118 to junction with U.S. Highway 101, thence

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*Changed by Decision No. 55956, Application No. 39998.

via U.S. Highway 101. Service may be rendered to all intermediate points between Los Angeles and San Luis Obispo.

- *2. Between Los Angeles and Bakersfield via U.S. Highway 99, with service from and to all intermediate points.
- 3. Between Los Angeles and Newport Beach via U.S. Highway 6, Alameda Street or Long Beach Boulevard to junction with U.S. Highway 101 Alternate, thence via U.S. Highway 101 Alternate,

or

Via U.S. Highway 101 or via California State Highway 10 to junction with Harbor Boulevard (in Anaheim), thence via Harbor Boulevard to junction with California State Highway 55, thence via California State Highway 55. Service may be rendered to all intermediate points.

- 4. Between junction of U.S. Highways 6 and 99 (near Newhall) and Bakersfield, via U.S. Highway 6 to junction with U.S. Highway 466, thence via U.S. Highway 466. Service may be rendered to all intermediate points.
- **5. Between Las Cruces and Santa Maria via California State Highway 1 from Las Cruces to Orcutt, thence via unnumbered county roads and public streets to Santa Maria, serving all intermediate points.
- **6. Between Santa Paula and Buellton via California State Highway 150, or via California State Highway 126 to Ventura, thence via U.S. Highway 101 to Buellton, serving all intermediate points.
- **7. Between Castaic Junction and Ventura via California State Highway 126.
- **8. Between Los Angeles and Mendota via U.S. Highway 99 to junction with U.S. Highway 466, thence via U.S. Highway 466 to junction with California State Highway 33, thence via California State Highway 33,

or

Via U.S. Highway 99 to junction with California State Highway 166, thence via California State

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** (Added by Decision No. 58066, Application No. 39998.

Highway 166 to junction with California State Highway 33, thence via California State Highway 33.

9. Between Castaic and Gorman via Old Ridge Route via Sandbergs.
10. Between Greenfield and Taft via U.S. Highway 399, serving all intermediate points.
11. Between Bakersfield and McKittrick via California State Highway 178, serving all intermediate points.
12. Between Devils Den and Oilfields via County Road to junction with California State Highway 41, thence via California State Highway 41 to junction with California State Highway 198, thence via California State Highway 198, serving all intermediate points.

B. Commodities authorized are:

1. Oil-, water-, or gas-well outfits and supplies, heavy machinery, pipe, steel, tanks and machinery, materials, equipment, supplies and facilities used in, incidental to, or in connection with
 - (a) the discovery, development, production and preservation of natural gas and petroleum;
 - (b) construction, operation, repair, servicing, dismantling and maintenance of pipelines;
 - (c) construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum; and (d) construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending of gasoline, natural gas and petroleum.

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Decision No. 58986, Application No. 39998.