

Decision No. 35453

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MELVIN A. PILLEY doing business as
 "Furniture Fast Freight" for an extension
 of certificate of public convenience and
 necessity to operate an automotive truck
 service as a common carrier for the
 transportation of uncrated new furniture,
 lamp standards and electric lamps and
 shades combined, and parts of any thereof,
 from Alameda, Albany, Berkeley, Emeryville,
 Oakland, Piedmont and San Francisco to
 (a) San Francisco Territory, (b) Los
 Gatos, Santa Cruz, Watsonville, Castroville,
 Monterey, Pacific Grove and Carmel, (c)
 Sanger, Reedley and Dinuba, (d) Exeter,
 Lindsay and Porterville, and (e) Los
 Angeles Territory, serving all intermediate
 points.

) First Amended
) Application
) No. 24483

F. W. TURCOTTE, for applicant.

R. C. FELS, for Retail Furniture Association of
 California, Inc., interested party.

E. L. VAN BELLEN, JR. and M. G. SMITH, for
 Southern Pacific Company, protestant.

DOUGLAS BROOKMAN and REGINALD L. VAUGHAN, for
 Valley & Coast Transit Co., California
 Motor Express, Ltd., Coast Line Express
 and California Motor Transport, Ltd.,
 protestants.

WILLARD S. JOHNSON and H. F. HIRSCHBY, for Valley
 Motor Lines, Inc., and Valley Express
 Co., protestants.

EDWARD TRIMMER, for Highway Transport, Inc.,
 protestant.

FAY F. MORGAN, for Furniture Manufacturers Asso-
 ciation, interested party.

BY THE COMMISSION:

O P I N I O N

Applicant requests authority to establish an automotive
 truck service as a highway common carrier, as that term is
 defined in Section 2-3/4 of the Public Utilities Act, for the
 transportation of new furniture and parts thereof, as described

in Paragraph II of first amended application, from Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Francisco, on the one hand, to

- (1)
- (a) San Francisco territory;
- (b) Los Gatos, Santa Cruz, Watsonville, Monterey, Pacific Grove and Carmel;
- (c) Sanger, Reedley and Dinuba;
- (d) Exeter, Lindsay and Porterville;
- (2)
- (e) Los Angeles territory;

on the other hand.

Applicant proposes to operate said service as an extension and enlargement of his present operative rights, as granted by the Commission in Decision No. 33814, dated January 10, 1941, in Application No. 23745. By such decision applicant was granted a highway common carrier certificate restricted to the transportation of uncrated new furniture for manufacturers and dealers in Los Angeles and vicinity to dealers and jobbers. In this amended application authority is sought to perform a similar service for the manufacturers and dealers in the San Francisco Bay Area.

Public hearing was held at San Francisco on January 28, 29 and 30, 1942, before Examiner Cameron, at which time evidence was received, the matter was duly submitted, and the same is now ready for decision.

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- (1) The term "San Francisco territory" when used in this opinion means "San Francisco territory" as described in Note 1 of first amended application.
 - (2) The term "Los Angeles territory" when used in this opinion means "Los Angeles territory" as described in Note 2 of first amended application.

The Southern Pacific Company, Valley & Coast Transit Co., California Motor Express, Ltd., Coast Line Express, California Motor Transport, Ltd., Valley Motor Lines, Inc., Valley Express Co., and Highway Transport, Inc. protested the granting of this application. All parties stipulated that, upon the filing of an amended application restricting the definition of the commodities to be transported, all protests would be withdrawn. The amended application was filed on February 6, 1942, in compliance with the stipulation, and accordingly, all protests have been withdrawn.

It was established by the testimony of various witnesses that there has been in recent months a development of furniture manufacturing and the establishment of furniture distribution agencies in the San Francisco Bay area, who find it necessary to deliver shipments to dealers and jobbers elsewhere in California, particularly to Los Angeles territory and intermediate points. Applicant contends that the demands of the defense program restricting the use of tires and equipment on the part of proprietary operators has enhanced the necessity for the establishment of the proposed service, which service will provide shippers in the San Francisco Bay area with transportation facilities for uncrated new furniture. The record shows that at present there is no such transportation service available to these furniture shippers. The public need for such a service has been established in this record. It also appears that the proposed service, if authorized, will enable applicant to more efficiently and economically perform the service heretofore authorized by the Commission.

After a careful consideration of the entire record, we hereby find as a fact that public convenience and necessity require the establishment and operation of an automotive truck service for the transportation of uncrated, unpacked and unwrapped new furniture as a highway common carrier, as defined in Section 2-3/4, Public Utilities Act, from and to the points and over the routes and in accordance with the proposed service as outlined in the first amended application, as an extension and enlargement of applicant's present operative rights.

O R D E R

Public hearing having been held in the above-entitled application, the matter having been submitted, and the Commission being fully informed,

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Melvin A. Pixley, doing business as Furniture Fast Freight, for the establishment and operation of a highway common carrier service for the transportation of new furniture and parts thereof, as now described in Items Nos. 19510, 19530, 19535, 19575, 19580, 19585, 19590, 19615, 19620, 19630, 19635, 19650, 19670, 19685, 19705, 19710, 19720, 19725, 19730, 19735, 19780, 19810, 19830, 19865, 19890, 19910, 19920, 19935, 19945, 19950, 19955, 19960, 19970, 19980, 19990, 20000, 20005, 20010, 20030, 20035, 20045, 20050, 20070, 20115, 20130, 20155, 20160, 20165, 20170, 20180, 20190, 20195, 20210, 20220, 20235, 20240, 20250, 20255, 20265, 20280, 20300, 20320,

20340, 20345, 20350, 20355, 20365 and 20465, under the heading of "Furniture" in the Western Classification No. 69, C.R.C.-W.C. No. 2, of R. C. Fyfe, Agent, not crated, boxed or packed, and parts of any of the commodities enumerated or described in the above numbered items and lamp standards and electric lamps and shades combined, and parts thereof, as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act of the State of California, as an extension and enlargement of the operative rights created by Decision No. 33814, in Application No. 23745, dated January 10, 1941, as follows:

(a) From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and San Francisco, and from each of said points to San Francisco Territory defined as follows:

Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning; serving all intermediate points.

(b) From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and San Francisco to Los Gatos, Santa Cruz, Watsonville, Monterey, Pacific Grove and Carmel; serving all intermediate points.

(c) From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and San Francisco to Sanger, Reedley and Dinuba; serving all intermediate points.

(d) From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and San Francisco to Exeter, Lindsay and Porterville; serving all intermediate points.

(e) From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and San Francisco to Los Angeles Territory, defined as follows:

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101 Alternate; thence northeasterly along Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U. S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101 Alternate, at Kimono Street; southerly along Kimono Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101 Alternate; thence northerly along an imaginary line to point of beginning; serving all intermediate points.

The authority hereby granted is restricted and limited to shipments which are destined to furniture manufacturers, furniture retailers, furniture stores, furniture dealers, furniture brokers, furniture jobbers, hotels, auto courts, hospitals and schools.

Melvin A. Pixley, his successors or assigns, may never claim before this Commission or any court or other public body a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of said automotive truck service pursuant to the foregoing certificate, Melvin A. Pixley shall comply with and observe the following service

regulations:

(1) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.

(2) Subject to the authority of this Commission to change or modify such at any time by further order, conduct said highway common carrier service over and along the following routes:

ROUTE 1:

From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Francisco to San Francisco Territory, as hereinabove described in paragraph (a), via any and all available public highways.

*ROUTE 2:

From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Francisco to Carmel, via any and all available public highways to San Jose; thence southerly over and along State Highway No. 17 via Los Gatos to Santa Cruz; thence southerly over and along State Highway No. 1 via Watsonville, Castroville, Monterey and Pacific Grove to Carmel; thence northerly over and along State Highway No. 1 to its junction with unnumbered highway at Monterey; thence easterly and northerly over and along said unnumbered highway to its junction with U. S. Highway No. 101 at Salinas; thence northerly over and along U. S. Highway No. 101 to San Jose; thence northerly over and along any and all available public highways to point of origin.

*SUB-ROUTE 2-A:

At the junction of State Highway No. 1 with State Highway No. 152 at Watsonville, northerly and easterly over and along State Highway No. 152 to its junction with U.S. Highway No. 101 at Gilroy.

*SUB-ROUTE 2-B:

At the junction of State Highway No. 1 with unnumbered highway at Castroville, southerly and easterly over and along said unnumbered highway via Del Monte Junction to its junction with U. S. Highway No. 101 at Salinas.

* Routes and sub-routes apply in either direction.

ROUTE 3:

From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Francisco to Los Angeles Territory, as hereinabove described in paragraph (a),

via any and all available public highways to San Jose; thence southerly over and along U.S. Highway No. 101 to its junction with State Highway No. 126 three miles south of Ventura; thence via (a) State Highway No. 126 through Santa Paula, or (b) U.S. Highway No. 101 through Girard, or (c) U. S. Highway No. 101 to its junction with U.S. Highway No. 101 Alternate at El Rio; thence via U.S. Highway No. 101 Alternate through Oxnard to said Los Angeles Territory; thence over and along any and all available public highways to all points and places embraced in said Los Angeles Territory.

ROUTE 4:

From Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and San Francisco to Los Angeles Territory, as hereinabove described in paragraph (e), via any and all available public highways to U.S. Highway No. 50; thence southerly and easterly over and along U.S. Highway No. 50 to its junction with State Highway No. 120 five miles west of Manteca; thence easterly over and along State Highway No. 120 to Manteca; thence southerly over and along U.S. Highway No. 99 to said Los Angeles Territory; thence over and along any and all available public highways to all points and places embraced in said Los Angeles Territory.

*SUB-ROUTE 4-A:

At the junction of U. S. Highway No. 99 with State Highway No. 180 at Fresno, easterly over and along State Highway No. 180 to its junction with unnumbered highway two miles north of Sanger; thence southerly over and along unnumbered highway via Sanger to its junction with unnumbered highway one mile west of Parlier; thence easterly and southerly over and along unnumbered highway via Parlier, Reedley and Dinuba to its junction with unnumbered highway one and one-half miles south of Dinuba; thence westerly over and along unnumbered highway to its junction with U.S. Highway No. 99 at Kingsburg,

*SUB ROUTE 4-B:

At the junction of U.S. Highway No. 99 with State Highway No. 198 two miles south of Goshen, easterly over and along State Highway No. 198 to its junction with State Highway No. 65 two miles north of Exeter; thence southerly over and along State Highway No. 65 via Lindsay and Porterville

EC/ME

to its junction with U.S. Highway No. 99
at Famoso.

(3) Comply with the requirements of the Commission's General Order No. 79 and Part IV of General Order No. 93-A by filing in triplicate and concurrently making effective tariffs and time schedules in accordance with Exhibit "B" of first amended application and satisfactory to the Commission, within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at *San Francisco* California, this *9th* day of *June*, 1942.

Justus P. Cameron
Donald R. Rice
J. Baker
Richard H. Hatcher

COMMISSIONERS