

ORIGINAL

Decision No. 44364

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
DELTA LINES, INC., a corporation,)	
for certificate of public convenience)	
and necessity to extend its highway)	Application No. 30733
common carrier service to South San)	
Francisco, Richmond, Port Chicago,)	
and Fairfield-Suisun Army Air Base.)	

Frederick W. Mielke, for applicant.
Reginald L. Vaughan, Varnum Paul, John C. Lyons, for
M & W Truck Lines, protestant.
Robert W. Walker and Frederick G. Pfrommer, for The
Atchison, Topeka & Santa Fe Railway Company
and Santa Fe Transportation Co., protestants.
John J. Taheny and William J. Connolly, for Doyle
Draying Company.

O P I N I O N

Delta Lines, Inc. by this application, as amended, seeks a certificate of public convenience and necessity authorizing it to serve South San Francisco, Richmond and Port Chicago, including the nearby United States Naval Depot, as an extension of its highway common carrier services.

Public hearings were held before Examiner Bradshaw at San Francisco.

The testimony discloses that applicant presently serves San Francisco and Albany, Berkeley, Emeryville, Oakland, Piedmont, San Leandro and Alameda, on the one hand, and Stockton and Sacramento, on the other hand, including such intermediate points as Martinez and Pittsburg.

Applicant's president and general manager testified that overnight service would be rendered at South San Francisco,

Richmond and Port Chicago if authority is granted to extend service thereto. Daily service, Monday through Friday, holidays excepted, will be offered. It is proposed to publish rates equivalent to the class rates contained in the Commission's Highway Carriers' Tariff No. 2 and to adopt the same rules and regulations set forth in applicant's Tariff No. 3. The witness stated that small shipments to and from South San Francisco and Richmond, would be processed through the San Francisco and Oakland terminals, respectively. Larger shipments would be transported by vans from South San Francisco and Richmond, respectively, directly to destination. Port Chicago shipments would be carried in a line van to the Pittsburg terminal, there transferred and dispatched to Port Chicago in applicant's Martinez trucks. Exhibits of record indicate that applicant possesses adequate terminal facilities, financial resources and equipment to institute and maintain the proposed service.

Representatives of three shippers maintaining manufacturing plants in Richmond testified on behalf of applicant. Their testimony disclosed that while common carrier service was available between Richmond and Stockton and Sacramento, none was afforded between Richmond, Pittsburg and Antioch and that they desired such service as proposed by applicant. One witness stated that many shippers in returning merchandise to his company at Richmond engage applicant to effect the transportation thereof, thereby causing it additional expense because such shipments must be picked up at the Delta Lines' Oakland terminal and carried to Richmond by some agency other than applicant.

Officials of three shippers having plants in South San Francisco testified that the greater part of their shipments to

Stockton, . . Sacramento, Martinez, Pittsburg, Antioch and Rio Vista were transported by applicant. They asserted that in order to use applicant's services, which were requested by many of their customers, it is necessary to first move their shipments to Delta Lines' San Francisco terminal. It was stated that the service applicant proposes to establish to South San Francisco is necessary to meet their transportation requirements.

Representatives of three shippers maintaining business establishments in Port Chicago testified in behalf of the applicant. According to the testimony, the present service to Port Chicago is unsatisfactory in that overnight service is not afforded from the Bay Area and from Stockton and Sacramento and that a dependable pick up and delivery service is not furnished. It was stated that applicant's proposed service to Port Chicago would be convenient and beneficial and that they would use it.

James E. Doyle, M & W Truck Lines, The Atchison, Topeka & Santa Fe Railway Company, and the Santa Fe Transportation Co. protested the granting of the application. The three carriers last named did not testify nor offer any evidence on their behalf.

James E. Doyle, who was authorized to operate as a highway common carrier between San Francisco and Oakland, on the one hand, and the United States Navy Depot near Port Chicago, on the other hand, by Decision No. 36634, dated September 28, 1943, in Application No. 25316, testified he is now providing only an on-call service due to a sharp decline in the volume of available traffic. He stated that the small amount of freight presently available does not justify service in addition to that now provided by him.

A careful examination of the record in this proceeding discloses that there is a public need for the service proposed by applicant. However, applicant has not shown any need for operation to the United States Navy Depot near Port Chicago.

Upon the evidence presented, we find that public convenience and necessity require that this application be granted in the manner set forth in the ensuing order. The extent of the relief from the provisions of Section 24 (a) of the Public Utilities Act or the justification therefor is not clearly shown and the request for such relief will be denied without prejudice.

O R D E R

Public hearings having been had and the Commission, upon the evidence received, having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Delta Lines, Inc., a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of freight, other than uncrated household goods and office furniture, between South San Francisco, Richmond and Port Chicago, on the one hand, and points Delta Lines, Inc. is presently authorized to serve, on the other hand, as an extension and enlargement of and consolidated with the operative rights heretofore granted it by this Commission, subject to the condition that no service shall be furnished to or from the United States Navy Depot situated near Port Chicago.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Within thirty (30) days after the effective date of this order, applicant shall file a written acceptance of the certificate herein granted.
- b. Within sixty (60) days after the effective date hereof, applicant shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules on not less than five (5) days' notice to the Commission and the public.
- c. Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Between South San Francisco and San Francisco

U. S. Highway 101.

Between Richmond and points applicant now authorized to serve

Any and all highways applicant now authorized to use.

Between Port Chicago and points applicant now authorized to serve

Unnumbered highway extending from a connection with State Highway 4 and 24 at a point approximately four (4) miles west of Pittsburg, through Port Chicago and continuing on to Martinez, as an alternate to be used in connection with and as part of the above route; unnumbered highway connecting with said State Highway 4 and 24 at a point named Ohmer, and extending from said point of connection to Port Chicago approximately three (3) miles distant.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 20th day
of June, 1950.

R. B. Dineen

Garrett L. ...

Harold P. Hills

Fremont Potter
COMMISSIONERS