

Decision No. 45016

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DONALD H. HAWKEY, doing business as)
HAWKEY LUMBER TRANSPORTATION, for a)
certificate to operate as a highway) Application No. 31421
common carrier for the transportation)
of lumber and forest products.)
-----)

In the Matter of the Application of)
FRANK C. WINANS and GRANT A. WINANS,)
doing business as WINANS BROTHERS,) Application No. 31467
for a certificate to operate as a)
highway common carrier for the trans-)
portation of lumber and forest products.)
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APPEARANCES

Marvin Handler for applicants.
Marquam C. George for Geijsbeek, Truckers,
interested party.

O P I N I O N

The two applicants in this proceeding seek certificates of public convenience and necessity authorizing them to extend their operations as highway common carriers as defined in Section 2-3/4 of the Public Utilities Act for the transportation of lumber between points and places presently served by them north of Woodland and points and places located in California south of San Jose and Modesto.

Authority is also sought by both applicants to extend their highway common carrier service between Sacramento and Berkeley via State Highway 24, between Chico and the junction of State Highways 32 and 36 via State Highway 32; and between Sacramento and the California-Nevada state line via U. S. Highways 40 and 50.

A request is also made for authority to serve points located within 35 miles of the routes described in the application.

Public hearings were held before Examiner R. K. Hunter at Redding on August 22, 1950, at which time the applications were submitted. No one appeared to protest the granting thereof.

Both applicants presently hold highway common carrier certificates by virtue of Decision No. 43424 in Applications Nos. 29621 and 29762, dated October 18, 1949. The evidence shows that they have been hauling a substantial number of loads of lumber and forest products, as permitted carriers, to points and places within the territory for which authority to operate as highway common carriers is herein sought.

Public witnesses appeared and testified that they shipped substantial quantities of these products to points and places in California and particularly to points and places covered in the applications. They stated that in many instances the lumber is shipped to points located substantial distances off the main routes named in the applications. In some instances these loads go to residential building projects and also to other construction projects. All of the public witnesses testified that the proposed highway common carrier services were needed in the handling and distribution of their products and, further, that they would use such services if established.

The evidence shows that both applicants have had extended experience in this type of operation. Exhibits introduced indicate that they have adequate equipment and are in a satisfactory financial condition.

Both applicants testified that the rates which would be assessed for the proposed service are generally those established by this Commission as minimum rates and charges, except that certain rail competitive rates are proposed to be established. Applicants also propose to limit their service to the transportation of shipments of not less than 20,000 pounds or shipments which will carry a charge no lower than that applicable to shipments of not less than 20,000 pounds.

Applicants also requested that since violations might otherwise occur by reason of the establishment of certain rail competitive rates that they be permitted to depart, in the publication of tariffs on any authority that may be granted herein, from the long and short haul provisions of Section 24 (a) of the Public Utilities Act and the provisions of Article XII, Section 21 of the Constitution of California.

It is our conclusion, after a careful consideration of the evidence and testimony submitted in this proceeding, and we so find, that public convenience and necessity require the granting of the applications herein for authority to operate as highway common carriers for the transportation of lumber and forest products to the extent set forth in the order.

ORDER

Applications as above entitled having been filed, a public hearing having been held, and based on the conclusions and findings set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity authorizing operation as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act is hereby granted to each of the following, for the transportation of lumber and forest products as defined in Highway Carriers Tariff No. 2, and corrections or reissues thereof, between the points and over the routes hereinafter specified:

(a) To Donald H. Hawkey:

1. Between Sacramento and Berkeley via State Highway 24
2. Between San Jose and the California-Mexican border via U. S. Highway 101 and 101 Alternate;
3. Between Modesto and the California-Mexican border via U. S. Highway 99 to Los Angeles, U. S. Highway 60 to Riverside, U. S. Highway 395 to San Diego, U. S. Highway 80 to El Centro, and U. S. Highway 99 to the California-Mexican border;
4. Between U. S. Highway 50, at its junction with State Highway 33 three miles easterly of Tracy, and Ventura, via State Highway 33 and U. S. Highway 399;
5. Between Bakersfield and the California-Mexican border via U. S. Highway 466 to its junction with U. S. Highway 395, thence via U. S. Highway 395 to its junction with U. S. Highway 99, thence via U. S. Highway 99 to the California-Mexican border;
6. Between Chico and the junction of State Highways 32 and 36 via State Highway 32;
7. Between Sacramento and the California-Nevada state line via U.S.Highway 40;
8. Between Sacramento and the California-Nevada state line via U. S. Highway 50;
9. With the right to serve points adjacent to the above routes located within 35 miles laterally thereof; and,
10. Between intermediate points;
11. Subject to the restrictions with respect to the above numbered routes, 1, 2, 3, 4, and 5 that shipments shall move between points and places north of and including Woodland, on the one hand, and points and places on said routes numbered 1,2,3,4, and 5, on the other hand.

(b) To Frank C. Winans and Grant W. Winans:

1. Between Sacramento and Berkeley via State Highway 24;
2. Between San Jose and the California-Mexican border via U. S. Highway 101 and 101 Alternato;
3. Between Modesto and the California-Mexican border via U. S. Highway 99 to Los Angeles, U. S. Highway 60 to Riverside, U. S. Highway 395 to San Diego, U. S. Highway 80 to El Centro, and U. S. Highway 99 to the California-Mexican border;
4. Between U. S. Highway 50 at its junction with State Highway 33, three miles easterly of Tracy, and Ventura, via State Highway 33 and U. S. Highway 399;
5. Between Bakersfield and the California-Mexican border via U. S. Highway 466 to its junction with U. S. Highway 395, thence via U. S. Highway 395 to its junction with U. S. Highway 99, thence via U. S. Highway 99 to the California-Mexican border;
6. Between Chico and the junction of State Highways 32 and 36 via State Highway 32;
7. Between Sacramento and the California-Nevada state line, via U. S. Highway 40;
8. Between Sacramento and the California-Nevada state line, via U. S. Highway 50;
9. With the right to serve points adjacent to the above routes located within 35 miles laterally thereof; and,
10. Between intermediate points.
11. Subject to the restrictions with respect to the above numbered routes, 1, 2, 3, 4, and 5, that shipments shall move between points and places north of and including Woodland, on the one hand, and points and places on said routes numbered 1, 2, 3, 4, and 5, on the other hand.

(2) That in providing the service pursuant to the certificates herein granted, there shall be compliance with the following service regulations:

(a) Applicants shall each file a written acceptance of their respective certificates as herein granted within not to exceed 30 days after the effective date hereof.

(b) Applicants shall each, within 90 days after the effective date of this order and upon not less than 5 days' notice to the Commission and to the public, establish the service herein authorized and comply with the provisions of General Orders Nos. 80 and 93-A (Part IV), by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.

(3) That in publishing their proposed rates, applicants herein are hereby authorized to depart from the provisions of Section 24(a) of the Public Utilities Act and Article XII, Section 21, of the Constitution of the State of California, to the extent necessary to meet rail competitive rates, between points served by rail, and to establish rates based upon the shortest constructive mileage established by the Commission.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 21st day of November, 1950.

[Signature]
Justus J. Casper
[Signature]
Harold P. Kula
[Signature]
COMMISSIONERS