

ORIGINAL

Decision No. 46394

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
STERLING TRANSIT COMPANY, INC., a)
corporation, for a certificate of)
public convenience and necessity to)
transport property as a highway common)
carrier between San Francisco, Los)
Angeles and San Diego, on the one)
hand, and Fresno and Bakersfield, on)
the other hand, and for enlargement)
of the territory presently served in)
the San Francisco Bay Area.)

Application No. 31871

Phillips and Avakian, by Spurzeon Avakian, for applicant.
H. P. Merry, for Southern California Freight Lines and
Southern California Freight Forwarders, protestants.
C. W. Cornell, E. L. H. Bissinger, William Meinhold
and Walt A. Steiger, for Southern Pacific Company
and Pacific Motor Trucking Company, protestants.
Gordon and Knapp, by Frederic A. Jacobus, for Pacific
Freight Lines and Pacific Freight Lines Express,
protestants.
Douglas Brookman, for California Motor Transport Co.
and California Motor Express, protestants.
William F. Brooks, for The Atchison, Topeka & Santa
Fe Railway Company, protestant.

O P I N I O N

Sterling Transit Company, Inc. requests the issuance of a certificate of public convenience and necessity authorizing it to extend its highway common carrier operations so as to include the entire San Francisco territory, as defined in Item No. 270-A of Highway Carriers' Tariff No. 2 and so as to enable it to furnish service between its Los Angeles territory, San Francisco area and San Diego area, on the one hand, and Fresno and Bakersfield, on the other hand.

Public hearings were held before Examiner Silverhart at Los Angeles and San Francisco.

Applicant, pursuant to the provisions of Decision No. 43003, in Application No. 27302, dated June 14, 1949, is empowered to conduct highway common carrier operations between (a) San Francisco Bay area and Los Angeles territory, (b) San Francisco Bay area and San Diego area, and (c) Los Angeles territory and San Diego area.

(2)
Applicant proposes to operate four schedules daily, except Saturdays and Sundays, in each direction at the rates and subject to the rules and regulations set forth in Highway Carriers' Tariff No. 2.

It appears that applicant served the whole San Francisco territory delineated in Highway Carriers' Tariff No. 2, as a permitted carrier, for many years prior to the issuance of Decision No. 43003. According to the testimony, applicant requested, in Application No. 27302 only a portion of such territory because it was not aware that it could not combine certificated and contract shipments originated by one shipper and destined to all points in

(1) San Francisco Bay area is defined in Decision No. 43003 as follows: "The Cities of San Francisco, South San Francisco, Oakland, Emeryville, Berkeley, Albany, El Cerrito, Richmond, Piedmont, Alameda and San Leandro, the unincorporated community of San Pablo together with the area within a radius of one mile thereof, and points along and within one-half mile laterally of Highway U. S. No. 101 alternate between South San Francisco and San Francisco.

(2) Proposed Time Schedule between San Francisco and Los Angeles

<u>Northbound</u>	<u>Southbound</u>
6:00 P.M. - Lv. Los Angeles	Ar. 7:00 A.M.
10:30 P.M. - Ar. Bakersfield	Ar. 2:00 A.M.
1:00 A.M. - Ar. Fresno	Ar. 11:00 P.M.
7:00 A.M. - Ar. Oakland	Lv. 6:00 P.M.

Deliveries at all points will commence at 8:00 A.M.

the Bay area. Applicant's president testified that it cannot make split-delivery privileges available to its shippers for whom it transports property to the points within its San Francisco Bay area and who also have shipments moving to other places within the San Francisco territory above mentioned; that inability to afford split-delivery privileges has subjected such shippers to higher rates and as a result thereof applicant has sustained a loss of business. The witness stated that applicant serves Fresno and Bakersfield as a highway contract carrier utilizing the line-haul equipment employed in its highway common carrier activities; that applicant has received requests, daily, from shippers to whom it does not presently provide transportation service, to serve such points.

The record shows that applicant possesses the terminals, equipment and financial resources required to install the proposed service.

Representatives of business concerns located in Los Angeles making shipments to the San Francisco Bay area, Fresno and Bakersfield testified in support of the application.

The general manager of a rubber products company situated in Los Angeles stated that he ships to Fresno, Bakersfield and the San Francisco Bay area as far south as San Jose on the west side and Hayward on the east side; that he has used and now uses applicant's service to such points, except in the case of shipments to the Bay area involving split delivery; that while he can obtain split-delivery privilege from other carriers, they have not afforded him the kind of service rendered by applicant; that applicant furnishes him with a good emergency service; that applicant's personnel is familiar with his company's products and its handling and transportation problems; that it will be a convenience to use the proposed service.

Another witness testified that his company has been utilizing applicant's service to transport shipments to the San Francisco Bay area; that he makes shipments destined in part to San Jose and in part to Oakland, the freight charges upon which are prepaid; that if he were enabled to consolidate such shipments, a savings in freight charges would be effected. The witness further stated that shipments are made to Fresno and Bakersfield, varying from two or three a day to two or three a week; that applicant calls at his place of business every day as late as 4 p.m., or later if desired, which affords him an opportunity to get his shipments out; that the proposed service would be a convenience.

A shipper witness whose products are transported from Berkeley to Los Angeles, Fresno and Bakersfield testified that he has utilized and is now using applicant's services to such points; that applicant has met his transportation needs; that applicant is at his plant every day and he is accustomed to its service; that it is convenient to have applicant's service available and that he will use the proposed service if authorized.

A witness from Fresno testified that five times a week he receives shipments from the Bay area for the transportation of which he employs applicant's service; that he also engages applicant for the movement of freight to the Bay area; that applicant has performed a very good service; that he will continue to use it. Further, the witness stated that he had a transportation contract with applicant and could not hire it to carry a collect shipment unless it had a contract with the consignee thereof; that if the proposed service were authorized, he would be enabled to obtain the service he desires from applicant without concern as to whether shipments were prepaid or collect.

Protestants did not testify nor present any witnesses in their behalf. It was stipulated, however, that if protestants Southern Pacific Company, Pacific Motor Trucking Company, Pacific Freight Lines, California Motor Express, Santa Fe Transportation Company, Atchison, Topeka & Santa Fe Railway Company and Southern California Freight Lines called as witnesses officials of their respective companies, they would testify that protestants are rendering a regular overnight service to and from the points involved in this application to the extent that such points are served by them, respectively; that they provide split-delivery service at split-delivery rates; that they have adequate equipment available for the handling of additional business; that protestants could call eight public witnesses⁽³⁾ whose shipping needs would be substantially the same as those public witnesses called by applicant and that the witnesses so called by the protestants would be users of one or more of their respective services to the points involved; that they would use the split-delivery service and the split-delivery rates; that the service rendered by the respective protestants is overnight and satisfactory.

Although shippers to San Francisco Bay points can obtain split-delivery rates from carriers other than applicant, in our opinion, shippers who prefer to use applicant's services to such points should not thereby be deprived of an opportunity to avail themselves of the split-delivery privilege.

The evidence does not indicate a need for the service proposed between the San Diego area and Fresno and Bakersfield but it readily demonstrates that the granting of the application in all other respects is warranted.

(3) The record shows that protestants selected this number of public witnesses because applicant had called a like number.

After consideration of the entire record, the Commission finds that public convenience and necessity require the establishment and operation of service by applicant as a highway common carrier for the transportation of property to the extent set forth in the ensuing order.

O R D E R

Public hearings having been had and based upon the evidence therein adduced,

IT IS ORDERED:

(1) That the "San Francisco Bay area," referred to in ordering paragraph (1)(J) of Decision No. 43003, dated June 14, 1949, and specifically set forth in Appendix "E" attached thereto, is amended to read "San Francisco territory," as more particularly defined in Appendix "A" attached hereto.

(2) That a certificate of public convenience and necessity is granted to Sterling Transit Company, Inc., authorizing it to operate as a highway common carrier, as defined by Section 213 of the Public Utilities Code, between the Los Angeles territory (defined in Appendix "C" attached to Decision No. 43003, dated June 14, 1949) and the San Francisco territory (defined in Appendix "A" attached hereto), on the one hand, and Fresno and Bakersfield, on the other hand, over any and all routes for the transportation of general commodities, with the following exceptions:

"Unrated household goods and other commodities for which the Commission has prescribed minimum rates in Appendix "A," Decision No. 32325, City Carriers' Tariff No. 3 - Highway Carriers' Tariff No. 4.

"Livestock.

"Commodities in bulk.

"Articles of extraordinary value.

"Commodities injurious or contaminating to other lading.

"Dangerous explosives.

"Commodities requiring special equipment.

"Fresh fruits and vegetables.

"Poultry, eggs or perishable dairy products.

"Lamp black."

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

- (a) Applicant shall file a written acceptance of the certificate herein granted, within thirty (30) days after the effective date hereof.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and 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, tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California, this 12th day of November, 1951.

[Signature]
President

[Signature]
[Signature]
[Signature]
Commissioners

APPENDIX "A"

DESCRIPTION OF SAN FRANCISCO TERRITORY
(Item 270-A, Highway Carriers' Tariff No. 2)

The area embraced by the following boundary: 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.