

Decision No. 45415

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:  
CHAS. P. HART TRANSPORTATION CO.,  
INC., for authority to establish  
joint rates with:

DELTA LINES, INC., a corporation;

HIGHWAY TRANSPORT, INC., a  
corporation;

C. S. McLENEGAN and HAROLD M. HAYS,  
copartners, doing business as  
INTERCITY TRANSPORT LINES, INC.;

INTER-URBAN EXPRESS CORP., a  
corporation;

WALTER J. JOHNSON and ROSE A.  
JOHNSON, copartners, doing business  
as JOHNSON TRUCK LINES;

MERCHANTS EXPRESS CORPORATION, a  
corporation;

JAMES P. NIELSEN, an individual,  
doing business as NIELSEN FREIGHT  
LINES;

OREGON NEVADA CALIFORNIA FAST  
FREIGHT, INC., a corporation;

PENINSULA MOTOR EXPRESS, a  
corporation;

SOUTHERN CALIFORNIA FREIGHT LINES,  
a corporation;

VICTORVILLE-BARSTOW TRUCK LINE, a  
corporation;

A. W. WAY, an individual, doing  
business as WAY'S REDWOOD EMPIRE  
FREIGHT LINES;

WESTERN TRUCK LINES, LTD., a  
corporation, and

WILLIG FREIGHT LINES, a  
corporation.

-----

ORIGINAL

Application No. 32165

Ray E. Untereiner and T. A. Loretz for applicant.  
Robert W. Walker and Matthew H. Wittemen by M. H. Wittemen for  
The Atchison, Topeka and Santa Fe Railway Company and Santa Fe  
Transportation Co., protestants. A. L. Russell for Sears  
Roebuck and Co., B. F. Bolling for Flintkote Co., R. W. Shay  
for Republic Supply Co., Harold E. Smith for Western Auto  
Supply Co., Lloyd R. Guerra and Richard C. Reid by R. C. Reid  
for the Western Truck Lines, Ltd., Gordon, Knapp & Gill by  
Hugh Gordon for Pacific Freight Lines and Pacific Freight Lines  
Express, interested parties.

O P I N I O N

Applicants herein request authority to establish joint  
through rates between:

- (1) Points in Los Angeles Territory, on the one  
hand, on the line of applicant Chas. P. Hart  
Transportation Co., Inc., and, on the other,  
points on the lines of applicants Delta Lines,  
Inc., Highway Transport, Inc., Intercity Transport  
Lines, Inc., Inter-Urban Express Corp., Johnson  
Truck Lines, Merchants Express Corporation,  
Nielson Freight Lines, Oregon Nevada California  
Fast Freight, Inc., Peninsula Motor Express,  
Way's Redwood Empire Freight Lines and Willig  
Freight Lines, in Central and Northern California,
- (2) Points in San Francisco Territory, on the one  
hand, on the line of applicant Chas. P. Hart  
Transportation Co., Inc., and, on the other,  
points on the lines of applicants Southern  
California Freight Lines, Victorville-Barstow  
Truck Line and Western Truck Lines, Ltd., in  
Southern California.

The through joint rates proposed are the Minimum Class Rates contained in this Commission's Highway Carriers' Tariff No. 2, subject to the following restrictions:

(a) For joint application via applicant Charles P. Hart Transportation Co., Inc., and all other applicants herein except applicant Oregon Nevada California Fast Freight, Inc. - Any quantity rates through and including 20,000 pound minimum rates.

(b) For joint application via applicant Chas. P. Hart Transportation Co., Inc., and applicant Oregon Nevada California Fast Freight, Inc. - Any quantity rates and 4,000 pound minimum rates only.

Charles P. Hart received a certificate of public convenience and necessity from this Commission, by Decision No. 43003, dated June 14, 1949, on Application No. 24124, (48 Cal. P.U.C. 712) authorizing the transportation of general commodities with stated exceptions, between the San Francisco and Los Angeles territories, as such are defined in said decision. This authority was transferred to Chas. P. Hart Transportation Co., Inc., by Decision No. 45019, dated November 27, 1950, on Application No. 31881 (50 Cal. P.U.C. 269).

With the exception of Intercity Transit Lines, all of the remaining applicants herein, likewise are certificated highway common carriers under authority of this Commission. Intercity Transit Lines is authorized to conduct operations as an express corporation.

The application alleges that since becoming a certifi-

cated carrier, and conducting operations as such for the past year and a half, Chas. P. Hart Transportation Co., Inc., has found that it cannot perform a fully-rounded service and fully meet the public needs without interchanging freight originating at or destined to points on lines of the other applicants herein. If such interchange is not permitted at joint through rates, then the alternative is to assess charges based on a combination of local rates, which, it is alleged, would be penalizing the shippers.

The authority of Chas. P. Hart Transportation Co., Inc., as set out in Decision No. 43003, contains the following restriction:

"Said carrier shall not, without the approval of this Commission, operate as an underlying carrier for an express corporation or transport property for a freight forwarder, nor shall said carrier publish joint rates with an express corporation or freight forwarder."

Public hearing was held in this matter on August 13, 1951, at Los Angeles, California, before Examiner Syphers.

Testimony was presented by the traffic manager of the Chas. P. Hart Transportation Co., Inc., to the effect that since commencing operations as a highway common carrier on September 24, 1949, ( the date on which the applicable tariff became effective), that company and its predecessors in interest have not been permitted to handle shipments on through rates to points beyond the San Francisco or Los Angeles territories. Prior to receiving certificated authority such shipments were handled at through rates.

Exhibit 1 is a comparative table showing the volume of shipments handled to beyond points in June of 1949 to be much greater than those handled in June of 1950 or of 1951.

Exhibit 2 compares illustrative charges at the present combination of local rates with the proposed through rates. In each case the proposed rates are lower than the existing combination rates. It was pointed out that applicants intend to set up joint through rates which will be no higher than the comparable rates now contained in the minimum rate orders of this Commission.

Exhibit 3 lists the beyond points to which applicant was tendered shipments during the month of June in 1949, 1950 and 1951. Twenty-four points in this exhibit are not covered by the application and twenty-eight points were not hauled to in 1950 or 1951. Accordingly, these points were eliminated from the exhibit. Exhibit 4 contains a list of commodities in quantities of less than 20,000 pounds transported by Chas. P. Hart Transportation Co., Inc., in June of 1949, 1950 and 1951.

The general manager of the Chas. P. Hart Transportation Co., Inc., testified that in the handling of interstate freight, his company now is permitted to apply through rates, and further that the through rates proposed on intrastate freight are the same as those now charged by other carriers.

Testimony from two shipper witnesses indicated their desire for joint through rates and further that each would use the Chas. P. Hart Transportation Co., Inc., for this type of freight. It was stipulated between the parties that applicants could produce thirteen witnesses who would testify that this carrier now serves them satisfactorily, that they have beyond

shipments and would find it convenient to use this carrier for these shipments and that it is important to them to ship to these beyond points at the minimum legal rates. It was further stipulated that protestants could produce a like number of witnesses representing firms of the same general character as applicants' witnesses, who would testify that satisfactory service now is available at the rates proposed by applicant.

After a full consideration of all of the evidence in this record we hereby find that the application should be granted. The proposal would be of advantage to the carriers concerned and likewise it would be to the advantage of the shippers who use applicants' services.

Applicants are willing and able to perform the proposed services at the rates proposed. The record contains evidence as to the financial condition of each applicant, and further indicates their ability to conduct the operations.

While it is not necessary to make a showing of public convenience and necessity in this matter (In re Savage Transportation Co., et. al., Decision No. 45784, dated May 29, 1951, on Application No. 23877, etc., 50 Cal. P.U.C. 645), we have not ignored the testimony and stipulations of testimony from shipper witnesses.

ORDER

Application as above entitled having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises, and based upon the findings and

conclusions set forth in the preceding opinion,

IT IS ORDERED:

That applicants be and they are hereby authorized, within sixty (60) days after the effective date of this order, and on not less than ten (10) days' notice to the Commission and the public, to establish joint through highway common carrier rates, as requested, and that tariff filings made pursuant to this order shall in all other respects comply with the provisions of General Order No. 80.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of November 1951.

R. T. Anderson  
President

Harold K. Kule

Lawrence H. Patton

Robert L. Mitchell

Commissioners.