

Decision No. 47175**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 O. J. BOEDEKER and A. T. RAWLINS, )  
 copartners doing business as )  
 SACRAMENTO FREIGHT LINES, for an )  
 order modifying Decision No. 42352, )  
 as amended, to remove restrictions; )  
 and for an extension of operative )  
 rights so as to permit the trans- )  
 portation of component parts of a )  
 split pickup or split delivery )  
 shipment to and from points inter- )  
 mediate between Sacramento and )  
 Los Angeles. )

Application No. 32163

Edward M. Berol, for applicants.  
Douglas Brookman, for California Motor Express, Ltd.  
 and California Motor Transport Co., Ltd.; Gordon,  
 Knapp & Gill, by Hugh Gordon and Frederic A.  
Jacobus, for Pacific Freight Lines and Pacific  
 Freight Lines Express, protestants.  
C. A. Millen, for Valley Express Co. and Valley  
 Motor Lines, Inc.; and H. P. Merry, for Southern  
 California Freight Lines and Southern California  
 Freight Forwarders, interested parties.

O P I N I O N

O. J. Boedeker and A. T. Rawlins, a copartnership doing business as Sacramento Freight Lines, request removal of a weight restriction, imposed at their request in a certificate granted by Decision No. 42352, dated December 21, 1948, in Application No. 28326. That decision authorized, among other things, the transportation of general commodities, with certain exceptions, between Sacramento and within a five-mile radius thereof and the Los Angeles Territory, subject to a minimum weight-per-shipment (1) restriction of 20,000 pounds. Authority was also granted to

(1) The restriction was modified by Decision No. 45259, issued January 16, 1951, in Application No. 30533, to permit transportation, in any quantity, of edible nuts, unmanufactured and unprocessed dried fruit and vegetables, containers and labels destined to wholesale produce markets. That decision also authorized applicants to serve Stockton on such traffic, in addition to points previously authorized by Decision No. 42352.

transport fresh fruits and vegetables, subject to certain limitations not material here, between the Sacramento and Los Angeles areas. Applicants now also request authority to render split pickup and delivery service to and from points on U. S. Highway 99 between Los Angeles and Sacramento for component parts of shipments of general freight having final destination at either of said termini.

Public hearings were held before Examiner Gregory at Sacramento and Los Angeles, terminating September 14, 1951. The record includes testimony on behalf of applicants from one of their operating officials and from some 35 shippers and receivers of general freight at Los Angeles and Sacramento. Protestants called no public witnesses, but limited their showing generally to a description of their facilities and operations between Los Angeles, Sacramento and various intermediate points. It was stipulated, as between applicants, California Motor Express, Ltd., California Motor Transport Co., Ltd., Pacific Freight Lines and Pacific Freight Lines Express, among other things, that 12 shipper witnesses, if called to testify on behalf of protestants, would state they had used the services of California Motor or Pacific Freight Lines for transportation of various commodities between Los Angeles, Sacramento and intermediate points involved in the application and that such services had been satisfactory. A further stipulation, among the same parties, is to the effect that Lillie Transportation Co., Inc. operates as a highway common carrier between Los Angeles Territory, Sacramento and Stockton, operating three or four schedules nightly in overnight service in each direction; that it maintains terminals at the three points mentioned; that it has no objection to the granting of the instant application. Valloy Lines appeared as an interested party and offered testimony in connection with its operations and facilities between Los Angeles, Sacramento and

intermediate points along U. S. Highway 99, but otherwise made no affirmative showing in opposition to the application.

As was pointed out in Decision No. 45259, applicants inaugurated certificated service between Los Angeles and Sacramento, subject to the 20,000-pound minimum weight restriction, on March 1, 1949. Shortly thereafter, on April 27, 1949, J. G. Fitzhenry, general manager of Sacramento Freight Lines, commenced operations as a radial highway common carrier and highway contract carrier under the name of Blackhawk Motor Transport, using equipment purchased from Sacramento Freight Lines and serving, among others, some of Sacramento Freight Lines' former patrons at Sacramento and Los Angeles who had shipments of less than 20,000 pounds moving between those points. The operations of Blackhawk Motor Transport ceased on March 31, 1951, as the result of a question having arisen as to the propriety of Fitzhenry's employment by Sacramento Freight Lines while at the same time owning and operating another carrier. Blackhawk's permits were canceled by the Commission, effective April 10, 1951, because of such cessation of operations. The present application was filed February 27, 1951.

Approximately 45 per cent of applicants' traffic between Los Angeles, Sacramento and Stockton consists of the movement of perishable fruits and vegetables seven days a week. They own terminals at Sacramento, Quincy <sup>(2)</sup> and El Centro, and lease terminal facilities at Los Angeles, Kingsburg and Oakland. The average carrying capacity of applicants' revenue equipment ranges from

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(2) Applicants have operated between Sacramento and Feather River Canyon points since 1942 as a certificated highway common carrier. (Dec. 35169, App. 24747.) Extension of that certificate to include service to Herlong and other points east of Portola is currently being sought. (App. 32378.)

39,000 to 42,000 pounds, so that, if loaded with a 30,000-pound shipment of general freight taking a truckload rate, there is unusable capacity of from 9,000 to 12,000 pounds per vehicle due to inability to accept shipments of less than 20,000 pounds under the existing restriction. This makes for uneconomical use of revenue equipment.

Witnesses called by applicants in support of their proposal represented a fairly wide range of commercial activity in the Los Angeles and Sacramento areas and at various intermediate points along U. S. Highway 99. Among them were those who used applicants' service for transportation of general freight in shipments over 20,000 pounds but who desired service by the same carrier for traffic of lesser weights, instead of having to "shop around" among other agencies for transportation of their less-than-truckload traffic. Others desired the split pickup or split delivery feature at intermediate points for component parts of shipments finally destined to Los Angeles or Sacramento, although the protesting carriers also make provision for such traffic. Some wanted through service over a single line from Los Angeles to Feather River Canyon points, served by applicants from Sacramento under their unrestricted operative right, but unavailable between Los Angeles and Sacramento due to the existing 20,000-pound minimum weight restriction between those points. Still others, located at Sacramento, stressed the importance to them, from a service standpoint, of having at hand a carrier with headquarters in that city. Shippers of certain commodities from Los Angeles which require refrigeration in transit, as well as split delivery service en route to Sacramento, desired the daily service offered by applicants instead of the less frequent pickups afforded by a specialized carrier of such traffic. Neither

California Motors nor Pacific Freight Lines, the two active protestants, offers a refrigerated service between Los Angeles and Sacramento.

As is usual in cases of this character, a number of the witnesses testified, with more or less particularity, to dissatisfaction with the services of some of the existing carriers in the field, including protestants.<sup>(3)</sup> Their complaints concerning late, as distinguished from early morning, deliveries at Sacramento, difficulty in tracing occasional shipments, or unsatisfactory experience with loss or damage claims, do not appear, however, to be of such magnitude as to suggest that the carriers concerned are failing in the performance of their duty to the public.

Applicants, as well as the protesting carriers, appear to have substantial resources and facilities for the performance of their respective services. California Motors and Pacific Freight Lines have within the past two years inaugurated direct and normally overnight service between Los Angeles and Sacramento, in place of the former operation by California Motors and Delta Lines, Inc., via San Francisco, and that involving an interchange arrangement between Pacific Freight Lines and Valley Lines at Fresno. Although the service offered by these protestants may have improved since inauguration of direct, single-line operations, the record indicates that some of the shippers, both at Los Angeles and Sacramento, have not been solicited for traffic by these protestants as aggressively as such improvement might have led them to expect.

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(3) A representative of a Sacramento jobber of plumbing, heating and ventilating equipment introduced a study indicating delays in deliveries from Los Angeles on shipments transported for his firm by various carriers, including California Motors, Pacific Freight Lines and Valley Lines, from October 2, 1950, to March 31, 1951. (Exh. 12.) The study shows that 102 shipments, weighing 265,067 pounds, out of a total of 208 shipments, weighing 656,857 pounds, or 49.4 per cent of the shipments, suffered delays in transit of from one to three days, not including weekends or holidays.

This is the second time applicants have been before this Commission requesting removal of the weight restriction on their certificated general commodity service between Los Angeles and Sacramento. One of the principal reasons which prompted the filing of a previous application was the alleged inconvenience to applicants' produce shippers, established on that record, of having to use other carriers for the transportation of their less-than-truckload shipments of related dry freight to the same markets. We concluded, in that case, that while the record justified relaxation of the restriction in respect of such related dry freight traffic, the showing made for total abrogation of the limitation was not persuasive. Accordingly, we denied the request for complete removal of the restriction.

Applicants are now before us in a different light. Any controversial issues resulting from their activities in connection with Blackhawk Motor Transport, following their acquisition of the restricted certificate, have been laid at rest, so far as this proceeding is concerned, by the subsequent cessation of that carrier's operations and the cancellation of its permits. Their proposal here is also broader in scope than the previous one, since it contemplates split pickup and delivery service at all intermediate points on U. S. Highway 99 between Los Angeles and Sacramento, in both directions, instead of at Fresno and Stockton on northbound shipments only. Finally, the present record, unlike the previous one, contains substantial evidence of a real need, on the part of a representative group of shippers and receivers of less-than-truckload shipments at Sacramento and Los Angeles, for the transportation service here proposed.

While it may be observed that applicants have taken a rather devious route, since 1948, toward their objective of securing an unrestricted operative right for general commodities, between Sacramento and Los Angeles, we must appraise the record from the standpoint of the needs of the shipping public. Viewed in that light, we have concluded, and we so find, that public convenience and necessity will be subserved by granting the application as prayed for.

O R D E R

Public hearings having been held in the instant proceeding, the matter having been submitted for decision, the Commission now being fully advised and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted by Decision No. 42352, in Application No. 28326, be and it hereby is amended by deletion of the restriction contained in paragraph III (1) of the first ordering paragraph of said Decision No. 42352, reading as follows:

"The transportation of general commodities and canned goods shall be limited to shipments of not less than 20,000 pounds, or to shipments which shall carry a charge no lower than that applicable to shipments of not less than 20,000 pounds."

(2) That the authority granted in the first ordering paragraph of Decision No. 45259, in Application No. 30533, removing said restriction in connection with transportation of nuts in shells, dried fruit and dried vegetables unmanufactured and unprocessed, containers and labels, destined from producers and suppliers to wholesale produce markets, between all points applicants are

authorized by said Decision No. 42352 to serve, including Stockton, be and it hereby is reaffirmed and continued in full force and effect.

(3) That applicants be and they hereby are authorized to render split pickup or split delivery service at points along U. S. Highway 99 intermediate to the Los Angeles and Sacramento territories described in paragraph II of the first ordering paragraph in said Decision No. 42352, limited, however, to component parts of shipments of general commodities which have final destination at either Los Angeles or Sacramento.

(4) That, except as herein modified, said Decisions Nos. 42352 and 45259 be and each of them hereby is continued in full force and effect.

(5) That in providing service pursuant to the authority herein granted, applicants shall comply with and observe the following service regulations:

- (a) Applicants shall file a written acceptance of the modification of their certificate herein granted, within a period of not to exceed thirty (30) days after the effective date hereof.
- (b) Within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, appropriate tariffs and time schedules.

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

Dated at San Francisco California, this 16th day of May, 1952.

J. J. [Signature]  
Julius J. Cooney President  
[Signature]  
[Signature]  
[Signature]  
 Commissioners