

**ORIGINAL**Decision No. 47387

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 RICCARDO TUNZI and LOUIS A. TOMMASINI, )  
 copartners doing business as SALINAS )  
 VALLEY FREIGHT LINE for a certificate ) Application No. 32455  
 of public convenience and necessity )  
 authorizing the extension of highway )  
 common carrier services. )

Glanz & Russell, by E. F. Shelander and Arthur H. Glanz, for applicants; Berol & Harrington; by Scott L. Harrington and Bertram S. Silver, for Highway Transport, Inc., and Highway Transport Express; Reginald L. Vaughan, Varnum Paul and John G. Lyons, by John G. Lyons; and L. W. Amburn, for Clark Bros. Motor Transport, Inc., protestants.

O P I N I O N

Applicants and their predecessors since 1927 have rendered certificated common carrier truck service between San Francisco and points within an area extending seven miles laterally from U. S. Highway 101 between the southerly limits of Salinas and the northerly limits of King City. (1) The partners, by this application, seek to serve both Salinas and King City as certificated points, to serve all points between and surrounding those cities within seven miles radially of U. S. Highway 101, and to extend the operation to the east bay cities, San Pablo to Hayward, inclusive. No local service

(1) Tunzi has operated in the Salinas-King City area since 1922 and between San Francisco and that area since 1927, with a succession of partners. Dec. 15723, App. 10504 (1925); Decs. 18691, 18811, App. 13611 (1927); Dec. 24837, App. 18155 (1932); Dec. 38906, App. 27356 (1946). Pickup and delivery service was extended to within three miles of the southerly limits of Salinas and of the northerly limits of King City, following 1945 legislation. (Pub. Util. Code, Sec. 1063.) Applicants have regularly served patrons within both Salinas and King City, at least since 1946, in connection with shipments originating at San Francisco.

is proposed between the east bay cities, or between those cities and San Francisco.

The application was submitted after public hearings held before Examiner Gregory at King City, Salinas and San Francisco, terminating January 9, 1952.

Applicants allege that the growth and development of the Salinas Valley, especially of Salinas and King City, together with numerous requests of their regular customers and others for extension of their service to the east bay cities, serve to justify the issuance of the certificate now sought.

The proposal, in substance, is to continue the present operation between San Francisco and Salinas Valley points, under which freight is picked up during the day in pickup or line haul units at San Francisco, brought to applicants' terminal on Pier 3 in that city and departs at 4 a.m. for delivery at Salinas and other Salinas Valley points in the forenoon. Pickup service in the east bay cities will be handled by a Berkeley drayage concern. Applicants will bring small loads from the Berkeley terminal to San Francisco late in the afternoon and consolidate them with San Francisco freight for departure early in the morning. Shipments from east bay points in excess of 4000 pounds and straight truck-loads will be handled directly by applicant in line haul equipment which will proceed via State Highway 17 and U. S. Highway 101 to Salinas Valley points for delivery the following morning. North-bound equipment will leave applicants' Soledad terminal at 4 a.m., after picking up available loadings between Salinas and King City the previous afternoon. Deliveries will be made six days a week on southbound shipments and five days a week in the bay area. The preponderant movement is southbound.

Rates will be competitive with those of other highway carriers operating under comparable conditions and will be generally at the level prescribed as minimum by the Commission in Highway Carriers' Tariffs Nos. 2 and 1-A. Applicants appear to have the financial resources, equipment, facilities and experience with which to commence the proposed service. They plan to acquire a new terminal at Salinas and are willing and able to provide additional equipment if necessary.

The application was supported by 27 owners or representatives of business firms in King City, Greenfield, Soledad, Gonzales and Salinas and by the King City, Greenfield and Soledad Chambers of Commerce. About half the witnesses were engaged in the manufacture, repair or distribution of farm and oilfield machinery and equipment, an activity of increasing importance in this area in recent years due to replacement of dry farming operations with more numerous, intensively cultivated truck farms and to oil field operations in the San Joaquin Valley east of King City. These witnesses, distributed from King City to Salinas, were uniform in their praise of applicants' service from San Francisco. They wanted similar service from the east bay cities, especially since some of their suppliers have moved, or contemplate moving, from San Francisco to the east side of the bay. The majority of this group also desired Saturday morning deliveries, particularly during harvest seasons, to meet repair requirements for farm equipment. The protesting carriers do not offer Saturday service.

The other witnesses, four of whom also testified to a need for Saturday deliveries, dealt in a wide variety of commercial items, including automobile parts, hardware, plumbing and electrical goods and appliances, camera supplies, phonograph records, embalming supplies, department store items and groceries. With few exceptions, they purchased supplies both in San Francisco and the east

bay cities and desired the proposed extension of applicants' service in order to obtain greater diversification of sources of supply.

Some of the Salinas witnesses, who used applicants' service along with that of the protesting and other carriers from the east bay cities and San Francisco, expressed satisfaction with the service of the protesting carriers between those points. Most of the witnesses, however, especially those from the area south of Salinas, complained of delays by protestants and other carriers in deliveries of shipments originating both at San Francisco and in the east bay.

The application was protested by Highway Transport Express and its underlying carrier affiliate, Highway Transport, Inc., and by Clark Bros. Motor Transport, Inc. Both these lines offer normally overnight service between San Francisco, certain east bay cities and Salinas. Highway also serves south of Salinas to and including Soledad and reaches points beyond Soledad to King City by employing California Motor Transport Co., Ltd., as an underlying carrier. Clark Bros.' headquarters are in Watsonville. It does not serve points south of Salinas involved in this application. <sup>(2)</sup> Pacific Motor Trucking Company, the trucking subsidiary of Southern Pacific Company, also offers service between the points germane to this proceeding. Neither California Motors nor Pacific Motor Trucking appeared in the case, although each was served with a copy of the application and each was duly notified of the hearing. The showing made by protestants was limited to cross-examination of applicants' witnesses and to the presentation of oral and documentary evidence relating to the service offered by them in the territory here involved.

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(2) Merger of Clark Bros. into Coast Line Truck Service, Inc.; was recently authorized by The Interstate Commerce Commission, effective January 9, 1952. (No. MC-F-4451.)

A question arose during the hearing concerning service by applicants to Fort Ord, a military reservation extending from about three miles southwest of Salinas to Monterey Bay. The east entrance to the reservation is located on a connecting road between Salinas and State Highway 1, which skirts Monterey Bay, and is within seven miles of the city limits of Salinas.

Tunzi testified that he does not serve Fort Ord. His counsel stated ( Tr. P.320):

"We had Fort Ord right along from San Francisco, and if the East Bay Extension is granted, and he has authority and has calls to serve, I think it is his duty to serve, and he would."

Applicants produced no evidence of need for their service between Ford Ord and either San Francisco or the east bay cities. Both Highway Transport and Clark Bros. have operative rights for service between those points. Applicants assert the right to serve Fort Ord, under their present certificate, as being within seven miles laterally of the intersection of U. S. Highway 101 and the southern limits of Salinas, and also under their proposed operation as being within seven miles radially of Salinas. The importance of the reservation from a traffic standpoint, together with the complete lack of any evidence tending to show a need for applicants' service there, strongly suggests that applicants have not in the past considered Fort Ord as coming within their service obligation. On this record a restriction will be imposed in the certificate to be issued herein, eliminating Ford Ord as a service point to or from any other point applicants are authorized to serve. ✓

We find from the evidence of record herein that public convenience and necessity require the establishment and operation of applicant's service as proposed in the instant application, subject to the restriction against service to or from Fort Ord, mentioned above, and to the further restriction, proposed by applicants, against local service between the east bay cities and between said cities and San Francisco.

O R D E R

Public hearings having been held in the instant proceeding, evidence having been received and considered, 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 Riccardo Tunzi and Louis A. Tommasini, copartners, doing business as Salinas Valley Freight Line, be and they hereby are granted a certificate of public convenience and necessity authorizing the establishment and operation of service as a "highway common carrier", as that term is defined in Section 213 of the Public Utilities Code of the State of California, for the transportation of such commodities as applicants are authorized to carry under their existing certificated operative rights, between San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Oakland, Piedmont, Alameda, San Leandro and Hayward, sometimes referred to herein as "the east bay cities", on the one hand, and on the other hand:

Salinas and King City; all points and places within a radius of seven miles of Salinas and King City; all points and places intermediate between Salinas and King City; all points and places within a radius of seven miles of U.S. Highway 101 between Salinas and King City;

as an extension and enlargement of applicants' existing operations, subject, however, to the following restrictions:

1. Applicants shall not render local service between any of the east bay cities hereinabove mentioned, nor between any of said cities and San Francisco.
2. Applicants shall not accept for transportation, or transport, any shipment to or from Fort Ord, in Monterey County.

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

- a. Within 30 days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted.
- b. Within 60 days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs and time schedules satisfactory to the Commission.
- c. Subject to the authority of the Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes, or any combination thereof: Via U.S. Highway 101 and U.S. Highway 101 By-Pass between San Francisco and the Salinas-King City area; via State Highway 17 from Oakland to its junction with U. S. Highway 101 By-Pass, near San Jose; via San Francisco-Oakland Bay Bridge (U.S. Highways 40 and 50) between the east bay cities above mentioned and San Francisco; via available roads or highways within the seven mile radial area surrounding and between Salinas and King City, above described.

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

Dated at San Francisco California, this 30<sup>th</sup> day of January 1952.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioner Justin E. Croemer, being necessarily absent, did not participate in the disposition of this proceeding.