

ORIGINAL

Decision No. 47524

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SAN DIEGO FORWARDING CO., a)
corporation, for a certificate of)
public convenience and necessity)
authorizing northbound operations)
from the San Diego Area to Los)
Angeles and the Los Angeles Area)
as herein defined.)

Application No. 32726

Glanz and Russell, by Theodore Russell and Ernest F. Shelander, for applicant. Gordon, Knapp & Gill, by Joseph C. Gill and Adrian W. Adams, for Pacific Freight Lines and Pacific Freight Lines Express; H. J. Bischoff for Southern California Freight Lines and Southern California Freight Forwarders; and Robert W. Walker by Mathew H. Witteman and Henry M. Moffat, for The Atchison, Topeka and Santa Fe Railway Company and the Santa Fe Transportation Company, protestants. Arlo D. Poe and Ivan McWhinney, for California Cartage Company and California Cartage Express, interested parties. Grant L. Malquist, Senior Transportation Engineer, Public Utilities Commission, State of California, for the Commission staff.

O P I N I O N

San Diego Forwarding Company is a California corporation engaged in business pursuant to authority from this Commission as an express corporation, a highway common carrier and a permitted carrier. Its express corporation rights are between an area including the greater portion of the city of Los Angeles and all of the city of Beverly Hills, on the one hand, and the city of San Diego, on the other hand, southbound only. Its authority as a highway common carrier is to transport property, with the same

exceptions specified in the instant application, from the Los Angeles area, ⁽¹⁾ on the one hand, to San Diego, Coronado, North Island, El Cajon, La Mesa, Lemon Cove, National City and Chula Vista, on the other hand. This authority withholds from the applicant the right to transport property as a highway common carrier from its present Los Angeles express zone, which lies entirely within the said Los Angeles area, to the city of San Diego.

Applicant now seeks authority as a highway common carrier to transport general commodities, except live animals or birds, freight in dump or tank equipment in bulk, dynamite or other high explosives, and household goods, personal effects, secondhand furniture, musical instruments, radios, office furniture and store fixtures and equipment when tendered uncrated, from the cities and communities of San Diego, Coronado, North Island, El Cajon, La Mesa, Lemon Grove, National City and Chula Vista to the Los Angeles area as defined in Exhibits A and A-1 attached to the application. Under the proposed authority shipments from San Diego to applicant's Los Angeles express zone would be permitted.

Hearings were held in Los Angeles and San Diego. Evidence was presented by the applicant and the Transportation Department of the Public Utilities Commission, stipulations were filed relative to evidence to be presented by various protestants, and the matter was submitted for decision without briefs.

The hearings on Application No. 31780, on which the Commission issued Decision No. 45716 (see Footnote (1)), terminated on February 1, 1951. Decision No. 45716 recites that

(1)As defined in Decision No. 45716, dated May 15, 1951, on Application No. 31780.

"The record is clear that southbound, applicant has been transporting a substantial amount of tonnage, and that a public need exists for its service as a highway common carrier as proposed herein. However, the testimony of not more than three witnesses showed very material need for the transportation of freight northbound, and the transportation requirements were of such a nature that they could be provided by any of several highway common carriers now authorized to perform a service as herein proposed. Of the remaining witnesses, approximately half had no need for a northbound service, and the remaining witnesses required the movement of small shipments occasionally." The applicant was, therefore, given authority to act as a highway common carrier from the Los Angeles area to the San Diego territory only.

At the time the hearings on Application No. 31780 concluded on February 1, 1951, six highway common carriers were carrying general commodities between the Los Angeles territory and the San Diego territory. (2) Since the hearings on Application No. 31780, two highway common carriers have been given

(2) These carriers are: California Cartage Company, Decision No. 44558, dated July 18, 1950, on Application No. 30318; Santa Fe Transportation Co., Decision No. 43355, dated October 4, 1949, on Application No. 27203; Sterling Transit Co., Inc., Decision No. 43003, dated June 14, 1949, on Application No. 27573; Pacific Freight Lines, Decision No. 24396, dated January 18, 1932, on Application No. 17517; Southern California Freight Lines, Decision No. 12357, dated July 13, 1923, on Application No. 7534; and Boyle and Son, rights granted by Decision No. 38258, dated September 25, 1945, and Decision No. 44864, dated October 3, 1950, acquired by Boyle and Son by Decision No. 46645, dated January 15, 1952, on Application No. 33025.

(3) authority to serve between Los Angeles and San Diego. The eight carriers having authority to carry in both directions between Los Angeles and San Diego are in addition to the applicant which, as stated, has authority to render service as a highway common carrier from the Los Angeles area, exclusive of applicant's Los Angeles express zone, to San Diego territory.

Applicant called 18 witnesses and it was stipulated that one witness who appeared in Application No. 31780 and testified that applicant's services were needed in the southbound movement only would testify that he needs applicant's services northbound. There is nothing to show the extent of his needs.

All of applicant's witnesses had places of business in the city of San Diego and all receive from the Los Angeles territory and ship to that territory. Southbound shipments are generally larger and more frequent. The northbound shipments range in weight from five pounds up to truckloads, and the frequency varies from one shipment every two or three months to numerous shipments daily. The commodities are best described as general commodities. Several of the witnesses testified that their shipping needs had increased in the two years preceding the hearings, but the extent of such growth was not specified. All but one of the witnesses use the applicant's services for

(3) These carriers are: Mueller Truck Co., Decision No. 45609, dated April 14, 1951, on Application No. 31601 (4,000-pound minimum charge); San Diego Fast Freight, Inc., Decision No. 46550, dated December 18, 1951, on Application No. 31516. (Zone 1 only in Los Angeles area as described in Distance Table No. 4 of Decision No. 46022, Case No. 4808). In addition, Auto Purchasing Agency is authorized to carry automobile and truck parts and engines, Decision No. 46503, dated December 4, 1951, and Decision No. 46868, dated March 17, 1952, both on Application No. 28417 and Application No. 32444.

shipments coming to San Diego from Los Angeles and like its prompt pickup and delivery and its expeditious handling of claims. On northbound shipments generally they want applicant's services available for the same reasons. A few of the witnesses were of the opinion that as applicant carries their shipments south, it should be permitted to carry them north. One witness using only highway common carriers wants applicant's services available as it is a San Diego concern. One witness uses applicant because the Los Angeles office of the witness so directed. Only three witnesses had specific complaints against the other carriers. These complaints concerned damage to merchandise or pilferage, but collectively the complaining witnesses had used only five of the general commodity highway common carriers serving between Los Angeles and San Diego.

As heretofore shown, there are eight highway common carriers transporting general commodities between the San Diego area and the Los Angeles territory, excluding Auto Purchasing Agency, a limited commodity carrier, which serves two of applicant's witnesses, and applicant which is authorized to operate southbound only. In addition to applicant and Auto Purchasing Agency, applicant's witnesses were familiar with only five of the carriers. Seven use California Cartage Company, two use Santa Fe Transportation Company, eleven use Pacific Freight Lines, twelve use Southern California Freight Lines, and one uses San Diego Fast Freight. The witnesses did not use Sterling Transit Company, Inc., Boyle and Son, or Mueller Truck Company.

The Commission requested that a report be made comparing the shipments from the Los Angeles territory to the San Diego area with the shipments from the San Diego area to the Los Angeles territory. This report was made by the Transportation Department and placed in evidence. ⁽⁴⁾ In preparing the report, a road block was placed on U.S. Highway 101 north of San Diego on December 4 and 5, 1951, and all commercial vehicles passing the block were stopped, contents checked, destination and origin of shipments ascertained, and weight of the load determined. The Transportation Department prepared a table (Table II on page 10, Exhibit No. 1) showing a summary of commercial motor vehicles transporting general freight between the Los Angeles territory and the San Diego area during the 24-hour road check referred to. This table is reproduced on the following page.

(4) Exhibit No. 1.

Class of Carrier	Laden Vehicles		Weight Carried		Average Load Per Laden Vehicle	Unladen Vehicles		Per Cent of Vehicles Operated Without Load		Average Load Per Vehicle Checked
	Number Weighed	Percent	Pounds	Percent	(lbs)	Number	Percent	Checked	Load	Checked
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

S O U T H B O U N D

Certificated	40	16.2	960,048	21.3	24,001	0		40	0	24,001
Permitted	103	41.7	2,171,425	48.3	21,082	8	61.5	111	7	19,562
Proprietary	104	42.1	1,366,819	30.4	13,142	5	38.5	109	5	12,540
TOTALS	247	100.0	4,498,292	100.0	18,212	13	100.0	260	5	17,301

N O R T H B O U N D

Certificated	30	30.3	602,809	42.7	20,093	18	13.1	48	38	12,558
Permitted	33	33.3	549,939	39.0	16,665	69	50.4	102	68	5,392
Proprietary	36	36.4	257,935	18.3	7,165	50	36.5	86	58	2,999
TOTALS	99	100.0	1,410,683	100.0	14,249	137	100.0	236	58	5,977

B O T H D I R E C T I O N S C O M B I N E D

Certificated	70	20.2	1,562,857	26.4	22,327	18	12.0	88	20	17,760
Permitted	136	39.3	2,721,364	46.1	20,010	77	51.3	213	36	12,776
Proprietary	140	40.5	1,624,754	27.5	11,605	55	36.7	195	28	8,332
TOTALS	346	100.0	5,908,975	100.0	17,078	150	100.0	496	30	11,913

This table shows that approximately 76 per cent of the total traffic moved between Los Angeles and San Diego during the check period was in a southbound direction. The table also shows that 40 certificated vehicles carried an average load of 24,001 pounds per vehicle south, with no unladen vehicles, and that northbound the average load for 48 certificated vehicles was 12,558 pounds per vehicle, with 18 of the 48 vehicles returning empty to Los Angeles. The table also shows that of 102 permitted carriers traveling from San Diego to Los Angeles, 69 were empty and that the 102 vehicles carried an average load of only 5,392 pounds each.

From the record herein it appears and we find that public convenience and necessity do not require that the application be granted. The evidence shows that the witnesses' plants had expanded but the extent of such growth and the extent of the increase in their transportation needs were not specified. The witnesses have made extensive use of only three of the eight certificated carriers, and three were not used by any of the witnesses. With few exceptions there were no material complaints against the carriers used. In addition to the lack of use and familiarity with the existing highway common carriers, the study prepared by the Commission staff (Exhibit No. 1 supra) shows that not only the certificated carriers but the permitted carriers, as well, are returning from San Diego unladen or partially laden due to the fact that, of the total tonnage between San Diego and Los Angeles, the preponderance moves southbound.

In view of our findings herein, it is unnecessary to determine the fitness and ability of the applicant to perform the services nor is it necessary to analyze the evidence presented by the protestants by way of stipulations.

O R D E R

Public hearings having been held and the Commission having found that public convenience and necessity do not require that applicant be given the authority it seeks,

IT IS ORDERED that the application be, and it hereby is, denied.

Dated at San Francisco, California, this 28th day of July, 1952.

R. J. [Signature]
President
Justin J. [Signature]
Harold [Signature]
[Signature]
[Signature]
Commissioners