

ORIGINAL

Decision No. 47668

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN CALIFORNIA FREIGHT LINES,)
 a corporation, for a certificate of)
 public convenience and necessity to)
 transport property by auto truck as)
 a highway common carrier between)
 Twenty Nine Palms and The Marine)
 Corps Field Artillery and Anti)
 Aircraft Training Center near Twenty)
 Nine Palms.)

Application No. 33393

H. P. Merry and John B. Robinson for applicant.
Turcotte and Goldsmith, by Frank Turcotte, for
 Broomcris and Wiedemann, protestants.

O P I N I O N

Southern California Freight Lines, a California corporation, is a highway common carrier operating over highways in the State of California pursuant to authorization from the California Public Utilities Commission. By the application herein Southern California Freight Lines seeks authority to extend its highway common carrier services to enable it to carry general commodities, including high explosives and ammunition, but excluding uncrated used household goods, animals or pets, money or valuable papers, precious metals or stones and articles manufactured therefrom, jewelry and other articles of extraordinary value and commodities injurious or contaminating to other lading, between Twentynine Palms, an unincorporated community, and the Marine Corps Field

Artillery and Anti-Aircraft Training Center, on which improvements are under construction by Ford J. Twaits, Morrison-Knudsen, Macco Company, joint venturers, the south gate of which center is located three and 78/100 miles north of the post office in Twentynine Palms. Applicant also requests authority to serve all points intermediate between Twentynine Palms and the center, and all points within five miles laterally of the route between the named points.

Service is to be rendered by the applicant over the proposed route daily except Saturdays, Sundays and holidays. Charges are to be at the level of rates set forth in applicant's Local, Joint and Proportional Freight Tariff No. 6, California Public Utilities Commission No. 6, and supplements thereto and reissues thereof.

Public hearings were held in Los Angeles and San Bernardino. Broomcrist and Wiedeman, a highway common carrier, protested the granting of the requested authority. Pacific Freight Lines, Pacific Motor Trucking Company and Southern Pacific Company were notified of the hearings but made no appearances. After the hearings the matter was orally argued and submitted.

Applicant holds a certificate of public convenience and necessity authorizing it to carry property as a highway common carrier between Los Angeles, Pomona, Ontario, Riverside, Colton and San Bernardino, on the one hand, and Beaumont, Banning, Whitewater, Palm Springs, Indio, Coachella, Thermal and Mecca, including points intermediate between Beaumont and Mecca, on the other hand. ⁽¹⁾

Whitewater is a point intermediate between Beaumont and Mecca. By

(1) Decision No. 8965, dated May 12, 1921, on Application No. 6428.

Decision No. 28456, dated December 21, 1935, on Application No. 20255, applicant was given authority to carry property as a highway common carrier between "Whitewater and Twentynine Palms and intermediate points, with the right to serve laterally five (5) miles each side of the route between such points, not as a separate operating right, but as an extension and enlargement of" the rights granted by Decision No. 8965. Applicant is the only highway common carrier with authority to serve Twentynine Palms.

Applicant has sufficient equipment, ⁽²⁾ personnel, ⁽³⁾ and experience to enable it to perform the proposed services and further reference will not be herein made to such matters.

It is contended by applicant that it has the authority to perform the proposed services by virtue of Decision No. 28456 referred to above. ⁽⁴⁾ This contention is disputed by the protestant which claims that the language "between Whitewater and Twentynine Palms and intermediate points with the right to serve laterally five (5) miles on each side of the route between such points, ..." does not include authority to serve the main gate to the Marine Corps Training Center which, as above stated, is three and 78/100 miles from the post office at Twentynine Palms, but approximately one-half mile east of a line running north and south through the post office, ⁽⁵⁾ and hence, according to the protestants, not embraced within applicant's existing authority. Within the center, under the facts shown herein, there are no public highways. A

(2) Exhibit No. 6.

(3) Exhibit No. 7.

(4) Exhibit No. 1 is a copy of Decision No. 28456.

(5) Exhibit No. 2 shows the relative positions of the post office and the main gate to the Marine Corps Training Center.

certificate is not required for operations conducted therein (In re Pacific Greyhound Lines, 42 C.R.C. 490 at 494).

Disregarding the controversy concerning applicant's present rights in Twentynine Palms, the evidence presented shows, and we find as a fact, that public convenience and necessity require a highway common carrier with authority to serve between Los Angeles, San Bernardino, and the Marine Corps Training Center. At the present time all work on the center is being done at or near the south gate which, as stated, is three and 78/100 miles from the post office at Twentynine Palms. The only other highway common carrier serving at or near the center is the protestant which serves from San Bernardino via U. S. Highway 66 to Needles and via U. S. Highways 99, 60 and 70 to Blythe. (6) U. S. Highway 66 is north of the center, the others are south thereof. Protestant has pending before this Commission a request, filed subsequently to the filing of the application herein, for authority to serve between Garnet, a point on U. S. Highway 99 and the Marine Training Center. (7)

Sixteen witnesses testified at the request of the applicant. One of these wants service to Twentynine Palms only. There is no question that applicant has authority to render this service. Two of the witnesses want applicant's services between El Monte and the center. It is doubtful if applicant can serve these witnesses. (8) The majority of the remaining witnesses ship between Los Angeles or San Bernardino and the center. These shipments are consigned to the construction company. In some instances the freight is paid by the

(6) Exhibit No. 12.

(7) Application No. 33528, filed June 27, 1952.

(8) Decision No. 46636, dated January 8, 1952, on Cases Nos. 4949 and 5142.

shipper and in others it is paid by the construction company. Commodities now shipped are generally those used in a large construction project, including plywood, machinery, engine parts, oil filters, hardware, glass, office supplies, office machines, steel and welding supplies. These witnesses prefer the services of a highway common carrier to those of a permitted carrier and several of them stated that they desire the services of the applicant. In addition to the suppliers now shipping into the center, three witnesses stated that when the center is completed, they will need the services of a highway common carrier to transport plumbing, heating supplies, pipes, valves, liquors, furniture, and other items to supply the needs of the personnel to be stationed thereat.

A driver for the applicant stated that at the present time he is delivering to the center an average of five to ten intrastate shipments per day, totaling 4,000 pounds. These shipments are all consigned to the construction company. Some are shipped prepaid and some collect.

Protestant called as a witness the traffic coordinator for the construction company. The construction company, he said, has made arrangements with the protestant whereby the protestant will handle shipments to the center when and if the protestant receives authority from this Commission. However, applicant's witnesses pay the freight on some or all of their shipments to the construction company and can, therefore, specify the carrier.

As the present application was filed prior to that of the protestant, and there is no showing that applicant cannot or will not render the proposed services, applicant will be given authority to serve the center as set forth in the order herein. The evidence

reflects a need for service between the center and Twentynine Palms only. As applicant's lateral rights under Decision No. 28456 allow it to serve to or very close to the main gate of the center, no rights are required to enable applicant to serve between Twentynine Palms and the center, exclusive of the center, therefore, in all other respects the application will be denied.

O R D E R

Application having been filed, public hearings having been held thereon, the matter having been submitted, the Commission being fully advised in the matter and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Southern California Freight Lines, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities, except uncrated used household goods, animals or pets, money or valuable papers, precious metals or stones and articles manufactured therefrom, jewelry and other articles of extraordinary value and commodities injurious or contaminating to other lading, between Twentynine Palms, on the one hand, and the Marine Corps Field Artillery and Anti-Aircraft Training Center, on the other hand, as an extension and enlargement of applicant's present operating rights.

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

- (a) Within 30 days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within 60 days after the effective date hereof and upon not less than 5 days' notice to the Commission and the public, applicant 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 this Commission to change or modify the operations herein authorized at any time, Southern California Freight Lines shall conduct said highway common carrier service between the following points and over the following routes:

Between Twentynine Palms and the Marine Corps Field Artillery and Anti-Aircraft Training Center via an unnumbered highway running north from the intersection of Adobe Road and Two Mile Road in Twentynine Palms.

(3) That, except as set forth in the order herein, the application is denied.

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

Dated at San Francisco, California, this 22nd day of September, 1952.

R. J. [Signature]
President
Justus T. Carlson
Frederick [Signature]
John E. [Signature]

Commissioners