

**ORIGINAL**Decision No. 48468

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

Application of PACIFIC FREIGHT )  
 LINES for a certificate of public )  
 convenience and necessity to extend )  
 its operations as a highway common )  
 carrier to various points in terri- )  
 tory east of San Francisco and )  
 generally bounded by U. S. Highway )  
 50 on the south, U. S. Highway 40 )  
 on the north and U. S. Highways 50 )  
 and 99 on the east. )

Application No. 32907

Gordon, Knapp & Gill by Wyman C. Knapp, for  
 applicant.

William Meinhold and Frederick E. Fuhrman,  
 for Southern Pacific Company and Pacific  
 Motor Trucking Company; Willard S. Johnson,  
 for J. A. Nevis Trucking, Inc.; Scott Elder,  
 for Circle Freight Lines; Douglas Brookman,  
 for California Motor Transport Company, Inc.,  
 California Motor Express, Ltd., Merchants  
 Express Corporation, Stockton Motor Express  
 Company, and California Central Trucking,  
 Inc.; Frederick W. Mielke, for Delta Lines,  
 Inc., Interlines Motor Express, Reilly Truck  
 Line, and Johnson Truck Lines; Frank Loughran,  
 for Johnson Truck Lines; C. A. Millen, for  
 Valley Express Company, and Valley Motor Lines,  
 Inc.; Clair MacLeod, for Interlines Motor  
 Express; and Francis X. Vieira, for Reilly  
 Truck Line, protestants.  
Willard S. Johnson, for J. Christenson Co.,  
 interested party.

**O P I N I O N**

Pacific Freight Lines herein seeks a certificate of public  
 convenience and necessity to extend its highway common carrier  
 services for the transportation of general commodities, except  
 uncrated household goods and commodities requiring refrigeration in  
 mechanically refrigerated equipment, to all points and places and  
 within five miles laterally of all the principal highways between  
 San Francisco territory and Stockton, Sacramento, Roseville, and  
 Woodland, and along U. S. Highway 99 between Fresno and Sacramento,

except that no service is proposed for any shipment having both origin and destination within San Francisco territory.

The application was filed on November 13, 1951 and an amendment thereto was filed on June 13, 1952. Public hearings were held before Examiner Gillard on July 1, 2, 8, 9 and 14 and December 8 and 10, 1952, in San Francisco, Sacramento, Stockton and Fresno. The matter was submitted for decision at the conclusion of the December 10th hearing and the last volume of the transcript was filed herein on January 21, 1953.

#### Applicant's Operative Rights and Properties

Pacific Freight Lines is authorized to serve as a highway common carrier extensively in southern California and northerly as far as Sacramento and San Francisco territory. The present application is designed to connect these two northern termini with an east-west service, including most intermediate points, and to supplement the present service on U. S. Highway 99 between Sacramento and Fresno with complete local service rights between all intermediate points.

With reference to terminals, equipment, finances and personnel, the record discloses that applicant is qualified and capable of performing the services proposed.

#### Protestants

The numerous carriers listed in the appearances preceding this opinion protested the application. Of these carriers, Delta Lines, Inc., J. A. Nevis Trucking, Inc., Merchants Express Corporation, Valley Express Co. and Valley Motor Lines, Inc., Circle Freight Lines, Interlines Motor Express, Southern Pacific Company-Pacific Motor Trucking Company, and Stockton Motor Express presented evidence of their operations.

Delta Lines, Inc. serves generally in the area from San Francisco Bay points (San Francisco to South San Francisco and Richmond to San Leandro) to Stockton and Sacramento, including Woodland and Roseville, and the principal intermediate points along U. S. Highways 40, 50 and 99 and State Highways 4 and 24. Orinda, Lafayette, Walnut Creek and Concord are served only from Sacramento and Stockton. An overnight service is rendered between all points. For the first ten months of 1952 its gross revenues and net income were approximately \$2,263,000 and \$13,000, respectively. Delta grossed \$1,030,000 in the first six months of 1951, and \$1,175,000 in the first six months of 1952. However, its revenues between San Francisco and Sacramento and Stockton were down \$9,000 during the same 1952 period compared with the 1951 period, and Delta claimed its systemwide revenue would likewise have been down if it had not inaugurated a new service in the latter part of 1951 to the Placerville, Jackson, Lodi, and Livermore areas. Delta claims that this situation is the result of competition of new carriers within its territory, such as Stockton Motor Express, Lodi Truck Service, Interline Motor Express, Cal-Central Trucking Co., Inc., and Warren Transportation Co.

Merchants, Valley, Southern Pacific-Pacific Motor Trucking, and Nevis each cover substantially all of the area involved herein, and each except Nevis transports general commodities in unlimited quantities. Nevis transports only specified commodities in 30,000-pound shipments, except that iron and steel articles and tin plate transported between Pittsburg and the San Francisco territory are subject to a 5,000-pound weight limitation. These carriers render a daily or overnight service within this area, except that Southern Pacific-Pacific Motor Trucking offers a two-day service from

Sacramento and Stockton to the San Francisco territory. Merchants suffered a loss of \$120,000 from its operations during the first nine months of 1952, attributable, in part at least according to the testimony, to inadequate rates in view of rising labor costs.

Stockton Motor Express serves between San Francisco Bay area cities and Sacramento, Lodi, Stockton and Tracy, and renders a daily overnight service between such points.

Circle Freight Lines operates between San Francisco Bay area cities and Walnut Creek, Concord, Danville, Pacheco, and Clayton (Clayton and Danville do not lie within the territorial scope of this application). Same day and overnight service is rendered between all points. Circle suffered a net loss from operations of \$1,650 for the first nine months of 1952.

Interlines Motor Express provides an overnight service between the San Francisco Bay area and all points between Vallejo and Sacramento, and north to Redding. It operated at a profit for the first ten months of 1952 - \$2,930 net. The major portion of its revenue is derived from traffic moving between the Bay area and Sacramento and intermediate points.

#### Evidence in Support of Application

Public witness testimony in support of the application substantiated a need for applicant's service between U. S. Highway 99 points Roseville to Fresno and between such points and the delta area (such as Martinez, Pittsburg, Antioch, and Rio Vista) and adjacent points such as Walnut Creek, Concord, Vallejo, Fairfield, and Woodland. The record also discloses sufficient support for the proposed service between the areas mentioned above and communities lying around the south end of San Francisco Bay, such as San Bruno, Mountain View, San Jose, and Newark.

A few witnesses established their need for the proposed service to and from San Francisco, Oakland, and adjacent cities, but a preponderant number of all the witnesses called by applicant testified that the services of the existing carriers between these cities and Stockton, Sacramento, and intermediate delta points were adequate and satisfactory. The record made herein by applicant's witnesses fails to establish a public need for an additional carrier in this area, and the evidence submitted by protestants discloses that there are a substantial number of carriers rendering an overnight service in the same territory.

Upon all the facts of record we find that public convenience and necessity require that applicant establish and operate a highway common carrier service in the areas indicated in the foregoing opinion and to the extent specified in the ensuing order.

#### O R D E R

Public hearings having been held and the Commission having found that public convenience and necessity so require,

**IT IS ORDERED:**

(1) That a certificate of public convenience and necessity be and it is hereby granted to Pacific Freight Lines authorizing the establishment and operation of a service as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities, except commodities requiring refrigeration in mechanically refrigerated equipment and except uncrated household goods and other commodities for which the Commission has prescribed minimum rates in Appendix "A", Decision No. 32325, City Carriers' Tariff No. 3, Highway Carriers' Tariff No. 4,

A. Between all points and places on and along and within five miles of the following described highways:

1. U. S. Highway 40 from Carquinez Straits to Roseville.
2. U. S. Highway 99W from its junction with U. S. Highway 40 to Woodland.
3. California State Highway 24 from Walnut Creek to Woodland.
4. California State Highway 4 from its junction with U. S. Highway 40 to Stockton.
5. U. S. Highway 50 between Tracy and Stockton.
6. U. S. Highway 99 from Fresno to Sacramento.

B. Locally between all points and places specified above.

C. Between all points and places specified above, on the one hand, and, on the other hand, all points and places Pacific Freight Lines is presently authorized to serve, except all points and places within San Francisco territory (as described in Appendix "A") north of San Bruno and Niles.

(2) Pursuant to the foregoing exception, the certificate herein granted is subject to the condition that Pacific Freight Lines shall not in the future render any service between any point in San Francisco territory (as described in Appendix "A") north of San Bruno and Niles, on the one hand, and all points and places above specified in subparagraphs 1 through 5 and that portion of subparagraph 6 which relates to points north of California State Highway 120, on the other hand.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the

Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

- (c) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the highways specified in paragraph 1 hereof and the following connecting routes:

Between San Francisco and Carquinez Straits: U. S. Highway 40;

Between Oakland and Walnut Creek: California State Highway 24;

Between San Francisco and Tracy: U. S. Highway 50;

Between Walnut Creek and San Jose: California State Highways 21 and 17;

Between Sunol and Livermore: Unnumbered county highway;

Between Palo Alto and Centerville: Dumbarton Bridge and its approaches.

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

Dated at Los Angeles, California, this 7th day of April, 1953.

R. J. [Signature]  
President

Justus F. [Signature]

[Signature]

[Signature]

Commissioners

## APPENDIX "A"

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Miles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.