

ORIGINAL

Decision No. 48698

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WESTERN TRUCK LINES, LTD., for a)
certificate of public convenience and)
necessity to operate as a highway)
common carrier for the transportation)
of property between Desert Center,)
Calif., and the location of the Kaiser)
Mine at Eagle Mountain, and points)
within 3 miles thereof, as extension)
of service to and from Desert Center,)
also between Fontana, Calif., and)
points east of Indio and Mecca now)
served or sought herein to serve.)

Application No. 33802

Lloyd R. Guerra, for applicant. Turcotte &
Goldsmith, by Frank W. Turcotte, for Broomcrist
and Wiedeman, -protestant.

O P I N I O N

Applicant is a highway common carrier having extensive intrastate and interstate operating rights, particularly in the southern part of this State and Arizona. Its intrastate authority, which is pertinent to this application, grants applicant the right to transport general commodities between Los Angeles, Pomona, Ontario, Colton, Riverside, San Bernardino, Redlands and Indio, on the one hand, and points east of Mecca and points east of Indio to the California-Arizona border, on the other hand (Decisions Nos. 8567, 32245 and 32875). Applicant also is authorized to serve between the San Francisco bay area and Los Angeles (Decision No. 43003), and between points in Owens Valley and Inyokern and Los Angeles (Decisions Nos. 21195 and 37110). Daily service is rendered between said points, including Desert Center, California, situated approximately 50 miles east of Indio on U. S. Highways 60 and 70.

Applicant now seeks a certificate of public convenience and necessity authorizing it to transport general commodities, except household goods unpacked or uncrated, uncrated livestock, liquid commodities, in bulk, and articles of extraordinary value, to and from the Kaiser Steel Corporation's mine location at Eagle Mountain Mine, California, and points within three miles thereof, over the following routes: (a) from the junction of U. S. Highway 60-70 and unnumbered county highway approximately three miles west of Desert Center, California, over said unnumbered county highway approximately 13 miles in a northerly direction to Eagle Mountain Mine; and (b) from Desert Center, California, over unnumbered county highway approximately 8-1/2 miles to junction of unnumbered county road, thence over said unnumbered county road approximately 11-1/2 miles in a northwesterly direction to Eagle Mountain Mine, and return over said routes to junction with applicant's present route, and between Fontana and the Kaiser Steel Corporation plant at Kaiser, California, on the one hand, and, on the other, points east of Mecca and points east of Indio, which applicant is now authorized to serve or proposes herein to serve over public highways from Fontana and Kaiser to junction U. S. Highway 70, thence over presently authorized routes. Briefly, applicant wants to add to its present points of service the Kaiser Fontana steel plant and Kaiser's Eagle Mountain Mine, situated approximately 13 off-route miles north of Desert Center. Daily service, 5 days per week, is proposed for both points with overnight service from the Los Angeles area to Eagle Mountain Mine.

Public hearings were held in Los Angeles on February 17 and 18 and March 20, 1953, before Examiner Chiesa. Oral and documentary evidence having been adduced, the matter, submitted on briefs, is now ready for decision.

The evidence shows that applicant operates at least three schedules per night from Los Angeles to Desert Center and points easterly thereof, departing between 8 p.m. and midnight. Any of these schedules could be used for traffic destined to Eagle Mountain Mine for early-morning delivery. Return shipments would be picked up by incoming equipment from Blythe and Parker, Arizona. On one or more eastbound schedules shipments would be unloaded at Desert Center for delivery to mine by a westbound truck returning from Blythe or Arizona points via Blythe or Parker. Facilities for transfer at Desert Center will be provided.

The evidence shows, and we find, that applicant is willing and able to perform the transportation service herein proposed.

The principal shipper and consignee to and from the Kaiser plant at Fontana and the Eagle Mountain Mine is the Kaiser Steel Corporation, owner and operator of said facilities. Other shippers are business concerns which sell various commodities to Kaiser Steel Corporation and others located at the mine and vicinity. Fourteen witnesses (including two by stipulation) representing six Los Angeles firms, two firms located in Vernon and one each in Inglewood, Pomona, Ontario, Colton, Riverside, and San Bernardino, testified in support of this application. The assistant traffic manager and the superintendent of raw materials for the Kaiser Steel Corporation also testified that a daily service is needed and would be used. The evidence shows that a daily following-morning delivery five days per week would be a convenience for all of these firms; that they need the service and would use it.

The record shows that Eagle Mountain Mine is the source of iron ore for Kaiser Fontana steel plant, and that there is a community at the mine consisting of several hundred employees and

members of their families. The evidence shows also that Kaiser Steel Corporation is just now completing a program that will increase the capacity of the mine and steel mill at Fontana by at least 50 per cent, and that said expansion will be reflected in the general commodity tonnage shipped to and from the mine. Kaiser Steel Corporation's traffic manager testified that between 25,000 and 35,000 lbs. of l.t.l. freight is now received at the mine each week. This is shipped in via protestant's line, as highway common carrier and as contract carrier, and by proprietary trucks when protestant's service is not available. Nearly all of this traffic originates in California, particularly in the Los Angeles area. In addition to the l.t.l. shipments, truck-load shipments of powder and other commodities, and interstate shipments, received at the mine amount to between 35,000 and 40,000 additional pounds per week. The l.t.l. tonnage is corroborated by protestant's Exhibits Nos. 16 and 18, which show that for the months of July to December 1952, protestant transported a total of approximately 750,000 pounds to and from the Eagle Mountain Mine.⁽¹⁾

Broomerist and Wiedeman, protestant, is certificated as a highway common carrier of general commodities, with certain exceptions, between Kaiser, Fontana, San Bernardino, Colton and Riverside, on the one hand, and Desert Center, Eagle Mountain Mine and numerous other desert points, on the other hand (Decision No. 44229). It provides service to Eagle Mountain Mine twice weekly with deliveries on Tuesday and Friday. Shipments from the Los Angeles area, the principal source, are handled by protestant in

(1) Protestant hauled 257,500 pounds of this traffic from Los Angeles to Eagle Mountain Mine as a contract carrier, and 491,651 pounds from Fontana and other authorized points in the Riverside area, as a highway common carrier.

two ways, one, for Kaiser Steel Corporation, as a contract carrier, and two, as a highway common carrier in combination with Public Freight Service, also a highway common carrier, which makes deliveries from Los Angeles to the Kaiser plant at Fontana or other common point of service. A combination of local rates is charged for the carriage between Los Angeles and the mine. Both the contract and common carrier shipments are consolidated at protestant's terminal in San Bernardino before they are taken to the mine. Several of the shipper witnesses testified that this twice-weekly service is not entirely satisfactory and is inadequate at times, due to a quite frequent need for prompt delivery of urgent mine shipments.

Kaiser Corporation has for some time requested a five-day-per-week service from protestant which the latter has been unwilling or unable to provide. The latter testified that such frequent service would not be compensatory for him. The reason seems clear, as this portion of protestant's highway common carrier service (San Bernardino to points easterly of Indio) is operated in conjunction with a twice-weekly schedule pertaining to its principal business, the sale and distribution of produce to desert points situated easterly of Indio, including Desert Center and the Eagle Mountain Mine. Deliveries to the mine on other weekdays would require extra trips with mine lading only, or a revision of applicant's proprietary delivery service which protestant is unwilling to undertake. On the other hand, applicant's schedules now pass through Desert Center, 13 miles from the mine, several times daily in each direction and could be used to provide the service.

Considering the demand for applicant's proposed daily service and the anticipated improvement in tonnage, we are of the

opinion, upon all the facts and circumstances, that the application has been sustained.

Protestant also contends that applicant's authorized interstate routes through Desert Center will not permit the short deviation to the Eagle Mountain Mine. There is nothing in the record to justify the position that applicant will not be able to provide service, schedules, and routings commensurate with the shippers' needs.

Upon the evidence of record we find that public convenience and necessity require the establishment and operation of a service as herein proposed. The application will be granted.

O R D E R

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised in the premises 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 Western Truck Lines, Ltd., a corporation, authorizing it to establish and operate a service as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property, to-wit: general commodities, except as hereinafter restricted, (a) between points applicant is now authorized to serve, the Kaiser Steel Corporation plant at Kaiser, California, and Fontana, on the one hand, and the Kaiser Steel Corporation's location at Eagle Mountain Mine, California, and points within three miles thereof, on the other hand; (b) between the Kaiser Steel Corporation's plant at Kaiser, California, and Fontana, on the one hand, and, on the other hand, points east of Mecca and points east of Indio which applicant is

now authorized to serve, subject to the following restriction and conditions:

Applicant shall not transport uncrated household goods, uncrated livestock, liquid commodities in bulk, and articles of extraordinary value.

(2) That, in providing service pursuant to the certificate herein granted, there shall be compliance with 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 such at any time, Western Truck Lines, Ltd. shall conduct said highway common carrier operations over and along the following routes:

Over any or all routes now authorized to be traversed.

From the junction of U. S. Highways 60-70 and unnumbered county highway approximately 3 miles west of Desert Center, California, over said unnumbered county highway approximately 13 miles in a northerly direction to Eagle Mountain Mine; and from Desert Center, California, northeasterly over unnumbered county highway approximately 8½ miles to junction of unnumbered county road, thence over said unnumbered county road approximately 11½ miles in a northwesterly direction to Eagle Mountain Mine, and return over said routes to junction with applicant's present route.

Over the most direct route or routes connecting the Kaiser Steel Corporation plant at Kaiser, California, and Fontana, California, with applicants present authorized routes.

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

Dated at Los Angeles, California, this 9th day of June, 1953.

J. J. [Signature]
President
Justice F. Calver
[Signature]
[Signature]