

ORIGINAL

Decision No. 49481

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. A. NEVIS TRUCKING, INC., a) Application No. 34268
corporation, to modify restriction.)

Willard S. Johnson, for applicant.
Ralph T. Close and L. R. Guerra, for Western
Truck Lines, Inc., protestant.
William Meinhold, F. E. Fuhrman and John H.
Gordon, for Southern Pacific Company and
Pacific Motor Trucking Company, protestants.
Robert W. Walker, Henry Moffatt and Richard K.
Knoulton, for The Atchison, Topeka and
Santa Fe Railway Company and Santa Fe
Transportation Company, protestants.

O P I N I O N

By its application filed on April 12, 1953, J. A. Nevis Trucking, Inc., presently rendering an on-call service as a highway common carrier for the transportation of specified commodities between various points within the State, seeks an order modifying a previously imposed weight restriction so as to permit the transportation of iron, steel, iron and steel articles and tin plate in shipments of 10,000 pounds or more, or where transportation charges are based upon a minimum of 10,000 pounds.

Public hearings were held before Examiner Daly on August 5, 25, 26, 1953, and November 18, 1953, at San Francisco; on September 23, 1953, at Stockton and October 29, 1953, at Los Angeles. The matter was submitted on November 18, 1953, and is now ready for decision.

By Decision No. 45752 dated May 22, 1951, in Application No. 31331, applicant was authorized to transport certain specified commodities, including iron and steel and related articles in shipments of 30,000 pounds, or where the transportation charge was based

upon a minimum weight of 30,000 pounds, throughout an extensive area generally limited by Sacramento on the north and Los Angeles on the south with wide lateral authority. Between San Francisco and Pittsburg applicant is limited to such commodities in shipments of not less than 5,000 pounds.

The record indicates that applicant possesses the necessary equipment and facilities and, in addition, is financially capable of providing the proposed service. As justification for the authority sought, applicant asserts that it operates an extensive and specialized service for the transportation of iron, iron and steel articles and tin plate. As a result, many of its customers have demanded that the same service be made available on shipments of lesser weight.

Twenty-one public witnesses were called and testified in support of the proposed service. Of this number, ten testified at San Francisco, seven testified at Stockton and four testified at Los Angeles. It was stipulated that if called two individuals would testify substantially the same as the four witnesses who appeared at Los Angeles.

The record discloses that these public witnesses have occasion to ship iron and steel and related articles and for the most part have used applicant's service on truckload lots. They found the service to be completely satisfactory and dependable in all respects. Considerable importance was attached to the fact that applicant operated open equipment and could accommodate and handle over-length shipments. They testified that they ship the type of commodities herein considered in shipments ranging between 10,000 and 30,000 pounds. Many stated that as to these shipments they experienced difficulty in obtaining the necessary type of equipment from the existing highway common carriers of general commodities. This was attributed to the fact that the major portion of the shipments are loaded and

unloaded by means of power, which necessitates open equipment whereas most of the existing general commodity haulers utilize closed or box type vans. Several witnesses stated that until recently all of their shipments were in truckload quantities and, therefore, no problem was presented in the use of applicant. For various economic reasons, they claimed, the steel market is becoming competitive requiring for the first time in many years a concerted attempt to sell steel in any quantity rather than take truckload and carload orders as had been the practice in the past. Consequently, customer demands have been made upon applicant to transport less-than-truckload as well as truckload shipments. With respect to the over-length pieces of steel, several witnesses testified that because the existing carriers have been unable to handle lengths up to 60 feet it has been necessary to assume additional expense in having the steel cut to convenient size. This practice has not been necessary in the use of applicant, who transports over-length pipe and steel through the use of a trailer and pull-dolly. A few witnesses stated that on occasions they found it more expedient to pay the 30,000-pound minimum charge in order that they might avail themselves of applicant's service on shipments of lesser weight.

Operating testimony introduced by the Santa Fe Transportation Company indicates that it serves rail points located on the line of The Atchison, Topeka and Santa Fe Railway Company. On U. S. Highway 99 it serves Stockton, Merced, Madera, Fresno, Tulare, Famoso and Bakersfield. It owns and operates 375 pieces of equipment. Of this number approximately 30 or 35 are open. No truck service is provided on pipe or steel in excess of 35 feet.

Southern Pacific Company and Pacific Motor Trucking Company provide a combination rail and truck service to a number of the points herein considered and an all-truck service to others. In

addition to a combination rail and truck service between San Francisco and Los Angeles and intermediate San Joaquin Valley and coast points, a through truck service is provided from San Francisco to points south of Stockton to and including Bakersfield as well as between San Francisco and Hollister. A rail, and in some instances, a substituted truck service is provided between San Francisco and the Sacramento Valley and intermediate points. Service is further provided to points north of San Francisco to and including points on the Russian River and within the Sonoma and Napa Valleys. A general and assertedly complete service is offered by these companies on shipments of iron and steel and related articles. Rail boxcars can handle lengths of steel and pipe close to 50 feet. Larger lengths up to 100 feet could be handled, if necessary, through the use of two flat cars. Truck service is available on lengths up to 40 feet. Any shipment over 40 feet would be handled by rail, but the shipper would have to arrange for delivery to the rail yard for loading.

The record is clear that applicant is engaged in a highly specialized type of operation and one for which a public need exists. The average general commodity hauler for the most part is equipped and organized for an operation substantially different in nature. It is true that the combination rail and truck service does meet a portion of the need that exists, but it is a portion of the need and not the complete need. A substantial amount of the commodities here considered move between points which are off rail and on lengths in excess of those which the truck subsidiary will or can carry, hence, a burden is placed upon the consignor or consignee to deliver to or pick up from the rail. Frequently, reenforcing steel is shipped to construction sites located at points a considerable distance from railheads. Applicant's existing operative rights include wide lateral authority to meet such needs as they arise. The authority sought will

permit applicant to provide a complete service to its customers. It is not established that granting the authority sought will divert traffic from the protesting carriers for they apparently have not engaged in its transportation to any great extent, but it is possible that denial of the application will divert the truckload traffic from applicant to those permitted carriers which give a more complete service.

After consideration of the evidence, the Commission is of the opinion and so finds that public convenience and necessity require the granting of the authority sought.

O R D E R

An application having been filed, a public hearing having been held thereon, and based upon the evidence adduced therein,

IT IS ORDERED that paragraph (1) as set forth on page 8 of Decision No. 45752 dated May 22, 1951, in Application No. 31331, is hereby amended to read as follows:

(1) That in lieu of that which it presently holds, a certificate of public convenience and necessity is hereby granted to J. A. Nevis Trucking, Inc., 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:

Iron, steel, iron and steel articles and tin plate;

in shipments of 10,000 pounds or more, or where transportation charges are based upon a minimum weight of 10,000 pounds;

Roofing, building and paving materials;
Waste paper, waste paper board, waste pulp-
board and waste rags;
Lumber and forest products;
Brick; fire clay; clay; and clay products,
including tile, mortar, and sand;
Petroleum and petroleum products in packages;

in shipments of 30,000 pounds or more, or where trans-
portation charges are based upon a minimum weight of
30,000 pounds, and

Empty carriers and pallets, returning;
from, to and between all points on or within 25 miles
of the following routes:

U. S. Highway 101 and U. S. Highway 101 By-Pass,
between Santa Rosa, on the north, and Santa Ana,
on the south;

U. S. Highway 99 from North Sacramento, on the
north, to Colton, on the south;

State Highway 1 from San Francisco to Monterey;

State Highway 4 from Pinole to Stockton;

U. S. Highway 40 from San Francisco to Sacramento;

U. S. Highway 50 from San Francisco to Manteca;

State Highway 152 from Gilroy to Califa;

State Highway 198 from San Lucas to Visalia;

U. S. Highway 466 from Paso Robles to Famoso.

IT IS HEREBY FURTHER ORDERED that J. A. Nevis Trucking,
Inc., shall, on or before sixty days after the effective date hereof,

and on not less than five days' notice to the Commission and the public, amend its tariffs to conform with the additional authority herein granted. ✓

In all other respects, Decision No. 45752 shall remain in full force and effect.

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

Dated at San Francisco, California, this 21st day of December 1953.

R. E. [Signature]
President
Justin F. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners