

49804

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CALIFORNIA CARTAGE COMPANY, INC., a
 California corporation, for a certifi-
 cate of public convenience and necessity
 authorizing removal of certain restric-
 tions under its present certificate and
 extension of its operations as a common
 carrier for the transportation of property
 by motor vehicle between Los Angeles and
 vicinity on the one hand, and San Diego,
 North Island, Coronado, National City,
 Chula Vista, Lemon Grove, La Mesa and
 El Cajon on the other hand, and certain
 intermediate and off-route points.
 (P.U.Code 1063-1064).

Application No. 34505

Donald Murchison for applicant. H. J. Bischoff for
 Southern California Freight Lines and Southern California
 Freight Forwarders; E. L. H. Bissinger and John Gordon
 for Southern Pacific Company, Pacific Electric Railway
 Company and Pacific Motor Trucking Company; Robert
 Walker, W. F. Brooks and R. K. Knowlton, for The
 Atchison, Topeka and Santa Fe Railway Company and
 Santa Fe Transportation Company; Gordon, Knapp & Gill,
 by Wyman Knapp, for Pacific Freight Lines and Pacific
 Freight Lines Express; protestants.

O P I N I O N

By Decision No. 44558, dated July 18, 1950, in Application
 No. 30318, California Cartage Company, Inc. was authorized to estab-
 lish a highway common carrier service for the transportation of
 general commodities ⁽¹⁾ between the Los Angeles territory on the one
 hand, and San Diego and other named communities in the vicinity thereof
 on the other hand, subject to restrictions prohibiting service to or
 from intermediate points, between points within the Los Angeles terri-
 tory, and between the named San Diego area communities.

Applicant also has authority to operate as a radial highway
 common carrier, contract carrier and city carrier.

(1) Except livestock, uncrated used household goods and office furni-
 ture, commodities requiring special equipment, commodities in bulk,
 articles of extraordinary value, dangerous explosives, and commodities
 injurious or contaminating to other lading.

By this application authority is sought to extend said operating right so as to serve (a) points and places between the Los Angeles area and Santa Ana and intermediate points, including points situated within five miles laterally of its present route (U. S. Highway 101), (b) the off-route points of Costa Mesa, Lakeside, San Ysidro and the military camps at El Toro, Camp Pendleton and Miramar, and (c) points and places along U. S. Highway 101 between Oceanside and Chula Vista, inclusive.

Public hearings were held in Los Angeles and San Diego before Examiner Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

Applicant presented evidence to show its ability to perform the services proposed, including a list of equipment owned and operated, description of terminal facilities, number of employees, financial condition, business growth and volume. It is not deemed necessary to detail said evidence herein as it was substantial and in our opinion justifies a finding that applicant could, if authorized, satisfactorily perform the services herein proposed.

In support of its contention that public convenience and necessity require that a certificate be granted as prayed for, applicant called thirty-five shippers or consignee witnesses. The testimony of at least ten of said witnesses was of little value to the applicant. Sixteen witnesses testified they had need for applicant's services between the Los Angeles territory and Santa Ana and/or intermediate points. Some required daily service to one or more of said Los Angeles-Santa Ana points, the rest had need for the service from several times per month to several times per week. The evidence shows that said witnesses ship a considerable volume of less-truck-load traffic and that applicant has been favored with most of their business. All of the witnesses who now use applicant's service testified that it is convenient and satisfactory either because of late or

special pickups or because one call by the same highway common carrier eliminates congestion at the shipping dock or facility and saves time and expense. In our opinion the record supports applicant's position that public convenience and necessity require its service as a highway common carrier between the Los Angeles territory and Santa Ana and intermediate points, including points situated within five miles laterally of its present Santa Ana route, and we so find.

Protestants contend that they are now rendering an adequate and satisfactory highway common carrier service and possess all the equipment and other facilities necessary to serve said shippers. It is apparent, however, that as to Santa Ana route and intermediate territory, a rapid industrial and commercial growth has created a need for highway common carrier transportation services in excess of that which protestants have been able to fulfill. Protestants have not shown how or to what extent, if any, their respective businesses would be adversely affected by granting applicant operating authority which it seeks. On the other hand, with respect to the Los Angeles-Santa Ana area, applicant has presented substantial evidence of public need for said proposed service and we so find.

Concerning the proposed service to and from the named off-route points and points and places between Oceanside and Chula Vista, both inclusive, applicant did not offer substantial evidence upon which this Commission could find that public convenience and necessity require the services of an additional highway common carrier. The evidence shows that adequate highway common carrier services are now available at said points and places to meet the needs of the shippers and consignees who testified in this proceeding. The protestants, three of the largest carriers in the State, hold operating authority for the transportation of general commodities to said areas and along the proposed route. In our opinion the volume of highway common carrier service shown to be required at said localities does not exceed that which is available.

Having considered the evidence of record, we find that public convenience and necessity require the establishment and operation of a highway common carrier service as hereinafter authorized.

The application will be granted in part and denied in part.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found as hereinabove set forth,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to California Cartage Company, Inc., 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 between the Los Angeles territory, as described in Item 270-A of the Highway Carriers' Tariff No. 2, on the one hand, and Santa Ana, and intermediate points situated along and laterally within five miles of U. S. Highway 101, on the other hand, as an extension and enlargement of and to be consolidated with its present operating rights, subject to the following restrictions and conditions:

Applicant shall not transport livestock, uncrated used household goods and office furniture, commodities requiring special equipment, commodities in bulk, articles of extraordinary value, dangerous explosives, and commodities injurious or contaminating to other lading.

(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, California Cartage Company, Inc. shall conduct said highway common carrier operation over and along the following route:

U. S. Highway No. 101 between Los Angeles and Santa Ana, and over and along the most appropriate route or routes when serving points and places situated within the described lateral area.

(3) That except as herein authorized Application No. 34505 be and it hereby is denied.

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

Dated at San Francisco, California, this 16th day of March, 1954.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners