

ORIGINALDecision No. 50007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 DESERT EXPRESS for a certificate of
 public convenience and necessity to
 operate as a highway common carrier of
 commodities generally: (a) between cer-
 tain presently authorized points in the
 general vicinity of Palmdale, Lancaster,
 Mojave, Ridgecrest, Barstow and
 Victorville, on the one hand, and the
 San Francisco Bay territory and
 Sacramento, on the other hand, serving
 certain intermediate and off-route
 points; (b) between presently authorized
 points and points in the vicinity of
 Bakersfield, California; (c) for the
 removal of certain restrictions on
 service performed via alternate route
 over U. S. Highway 99 between Bakersfield
 and Los Angeles, California.

Application No. 34318

Glanz & Russell by Theodore W. Russell, for
 applicant.

Gordon, Knapp & Gill by Wyman C. Knapp and
Joseph C. Gill for Pacific Freight Lines,
 Pacific Freight Lines Express, Lyon Van
 Lines, Inc., Bekins Van Lines, Bekins Van
 Lines, Inc., and Valley Motor Lines, Inc.,
Lloyd R. Guerra, for Western Truck Lines, Ltd.
 and Victorville-Barstow Truck Line,
 Robert W. Walker and Henry M. Moffatt for The
 Atchison, Topeka & Santa Fe Railway Company
 and Santa Fe Transportation Company,
 E. L. H. Bissinger and John H. Gordon for
 Southern Pacific Company, Pacific Motor
 Trucking Company and Railway Express Agency,
C. A. Millen for Valley Motor Lines, Inc.,
Gus M. Somlyo for Victorville-Barstow Truck
 Line, Protestants.

Orville A. Schulenberg for Kings County Truck
 Lines and Moser Frozen Food Freight Lines,
Lester M. Grainger for Merrifield Trucking
 Company, interested parties.

O P I N I O N

Applicant presently conducts operations as a highway common carrier under certificates of convenience and necessity issued by this Commission ⁽¹⁾ authorizing service, generally speaking, between points and places in the Los Angeles territory, on the one hand, and Bakersfield and points and places in the Mojave Desert area, on the other hand, also between Bakersfield and points and places in the Mojave Desert area, and between certain points and places within the Los Angeles territory. By this application authority is requested to extend operations territorially between specified points in the Mojave Desert region, on the one hand, and, on the other, points north of Bakersfield along and within five miles on either side of U. S. Highway 99 between Bakersfield and Sacramento, State Highway 120 and U. S. Highway 50 between Manteca and San Francisco, U. S. Highway 50 between Stockton and San Francisco, State Highway 198 between its intersection with U. S. Highway 99 and Visalia, State Highways 198 and 41 between the intersection of U. S. Highway 99 and State Highway 198 and Fresno, including points in the San Francisco Bay territory, and points within five miles of Visalia and Sacramento. This proposal is restricted against any service from the Los Angeles area and points north of Bakersfield, and between Bakersfield and the San Francisco territory. Likewise, at the hearing in

(1) Decisions Nos. 41149, dated January 19, 1948, in Application No. 28951; 42385, dated December 29, 1948, in Application No. 29603; 45712, dated May 15, 1951, in Application No. 32002; and 45915, dated July 3, 1951, in Application No. 32053.

the matter, applicant expressed a willingness to accept a restriction against the establishment by applicant of through routes and joint rates, charges, and classifications on shipments originating in the Los Angeles territory south of Solamint destined to points north of the proposed Bakersfield extended territory, extending north as far as the Kern County line, and on shipments originating north of the proposed Bakersfield extended territory destined to points and places other than those located in the Mojave Desert region. Secondly, applicant requests an extension of its service between all presently authorized points of service on the one hand and on the other hand all points and places in a described territory in the vicinity and west of Bakersfield.

For all areas of these proposed extensions applicant requests authority to haul commodities generally except petroleum and petroleum products in bulk in tank trucks, and livestock.

Applicant also requests the removal of certain restrictions now existing as to its operations between Los Angeles and Bakersfield via U. S. Highway 99.

Public hearings were held before Examiner Syphers on September 10 and 11, 1953, in Lancaster, and July 20, October 13 and 30, and November 20, 1953, in Los Angeles. On these dates evidence was adduced. The matter now has been submitted and it is ready for decision.

At the hearings applicant presented testimony as to its present operations and pointed out that it now maintains terminals at Los Angeles, Lancaster, Bakersfield and Ridgecrest, and agency stations at Barstow and Victorville. If the instant application is granted applicant proposes to set up terminals in Sacramento and San Francisco or Oakland. Under the proposal applicant intends to make pickups in the desert area and maintain two points of collection, Bakersfield and Lancaster. The trucks will leave Lancaster about 8:00 p.m. for Bakersfield and will leave Bakersfield at about midnight for San Francisco, arriving there at approximately 2:00 p.m. the next day. A comparable service is proposed for the reverse direction. It is planned to operate two schedules a week, and more if the traffic so demands. Also, applicant proposes to establish a through rate on traffic from the desert area to the northern points.

The applicant testified that there are permitted carriers now operating in the Mojave Desert area, but that there are no common carriers performing the exact type of service herein contemplated. Further, the applicant pointed out that it is not now practicable to interchange this freight at Bakersfield because there are no through rates and the local rates are too high to attract the business.

Exhibit 1 is a map of the area proposed to be served. Exhibits 2 and 3 are financial statements of applicant. Exhibit 4 is a list of equipment owned and leased, and Exhibit 5 is a map and list of points served.

The applicant is not now serving points north of Bakersfield, but has conducted operations between Los Angeles and Bakersfield since February 1948. The present authority permits operations between Los Angeles and Bakersfield and points and places in the Mojave Desert via a specified route through Lancaster. In addition, applicant can operate over U. S. Highway 99 for loads of 16,000 pounds or more. Exhibit 6 shows shipments of less than 16,000 pounds moving in a typical week in each of the months from July 1952 to June 1953 from Bakersfield to Los Angeles. It was submitted in support of the request to remove the 16,000 pound weight restriction referred to above. The Lancaster route is longer and applicant contends it is more economical to permit the hauling of any weight shipment via U. S. Highway 99. The testimony showed that it would save approximately sixty miles on each trip.

Public witness testimony was presented relating to the remaining two parts of the application, namely, the request to transport from the desert area direct to points north of Bakersfield, and, secondly, to transport from presently authorized points to points in the vicinity and westerly of Bakersfield. Relative to the shipments under the first proposal, the public witnesses testified that it was their desire to have a through service and also through rates. Relative to the second proposal, the public witnesses testified that it was their desire to have an additional carrier in the field. There were thirty-eight witnesses who presented relevant testimony in this connection.

In addition there were presented resolutions from eight chambers of commerce in the area, all supporting the application. These resolutions are in evidence as Exhibits 7 to 14, inclusive.

In opposition to the application, Pacific Freight Lines presented testimony showing their present operations in the area. That company now operates between Los Angeles and Bakersfield and is serving points in the vicinity of Bakersfield. It maintains between four and six daily schedules between these two cities, and its representative testified that there are several certificated carriers competitive in that area. However, it was developed that Pacific Freight Lines is the only carrier that can provide local service between Bakersfield and points to the west thereof. Exhibit 15 is a list of the equipment owned or operated by this company, and Exhibit 16 is a chart showing the tonnage handled through its Bakersfield terminal from 1947 to June 1953.

A witness for the Santa Fe Transportation Company submitted Exhibit 17, a list of points served by that company, and Exhibit 18 a list of the Mojave Desert points served by The Atchison, Topeka and Santa Fe Railway Company. This witness testified that his company purports to render an overnight service to all of the points listed on Exhibit 17. He also described the service of the Santa Fe companies in connection with shipments from points north of Bakersfield to the desert area. Normally a truck leaves the Bay area at 6:30 p.m., arriving in Los Angeles at 8:30 a.m. There it is placed in a Barstow car which leaves that same day and arrives at Barstow at 6:00 a.m.

the following morning. On that same day deliveries are made to desert area points. A similar service is maintained in the reverse direction.

A witness for Western Truck Lines presented Exhibit 19, a map showing the routes and points served by that company, and Exhibits 20 and 21 which list the intrastate and interstate authority held by that carrier. Exhibit 22 is a list of its terminals. Exhibit 23 is a list of equipment operated, and Exhibit 24 is a picture of a terminal maintained by this company at the desert point of Ridgecrest. This company offers daily overnight service to all points north of Bakersfield on U. S. Highway 99 and the San Francisco area, operating between ten and fifteen schedules each day. Likewise it maintains daily service from Los Angeles to its terminal in Ridgecrest and interchanges with applicant and the Victorville-Barstow Truck Lines for other desert points. Exhibit 25 is a statement showing shipments handled by this company between points north of Bakersfield and points in the desert area. This exhibit shows an average of about 3100 pounds per day so handled.

A witness for the Victorville-Barstow Truck Lines presented Exhibit 26, a map of the authority held by that carrier, and Exhibit 27, a description of its present operating rights. In addition he presented Exhibit 28, a list of that company's terminals, and Exhibit 29, a list of equipment operated. This company offers a daily service from Los Angeles to Victorville and Barstow and from these stations serves the desert area here concerned. Exhibit 30 is a statement showing the tonnage between Victorville and Barstow and the San Francisco and Sacramento areas for certain months in 1953.

In substance, the testimony of the opposing carriers was to the effect that they can provide service to the desert area and that they are willing and able to handle additional business. Their exhibits tend to show the small amount of freight that does go to and from this desert area.

After a thorough consideration of this record, we now find that the application, so far as it relates to service between the desert area points and points north of Bakersfield, should be denied. The record does not demonstrate that there is sufficient traffic in that area to justify another carrier. While it is true that the existing carriers generally serve the area via Los Angeles, the record does not show any serious problem in that regard.

As to those parts of the application relating to an extension of operating rights in the Bakersfield area and to the removal of restrictions for shipments transported via U. S. Highway 99, we hereby find that the application should be granted. There is only one carrier presently authorized to serve as a common carrier locally between Bakersfield and the so-called westside points and the public witness testimony on this score indicates a need for additional service. Likewise there is no reason on this record why applicant should not be permitted to operate between Los Angeles and Bakersfield via U. S. Highway 99 for shipments of all weights, nor is there any reason why applicant should not transport property to and from points northerly of Bakersfield in the so-called westside area. The present restrictions in this connection will be removed.

O R D E R

Application as above entitled having been filed, public hearings having been held, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity authorizing the establishment 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 petroleum and petroleum products in bulk and in tank trucks and except livestock, be and it hereby is granted to Desert Express, a corporation, between all presently authorized points of service, on the one hand, and, on the other hand, all points and places within the following described territory and within a radius of five miles of the outer boundaries thereof: beginning on U. S. Highway 99 at its junction with the northerly boundary of Kern County, thence south via U. S. Highway 99 to its junction with California State Highway 166, thence westerly along State Highway 166 to its junction with California State Highway 33, thence northerly along State Highway 33 to junction with unnumbered county highway extending in a generally northerly direction to junction with U. S. Highway 466 at Lost Hills, thence along said county highway to Lost Hills, thence easterly along U. S. Highway 466 to junction with an unnumbered county highway approximately seven miles east of Lost Hills which said highway extends in a generally northerly direction, thence along said unnumbered county highway to its junction with the northerly

boundary of Kern County, thence west along said northerly boundary of Kern County to the point of beginning.

(2) That the following restrictions contained in Decision No. 42385, dated December 29, 1948, in Application No. 29603, be and they are hereby removed and canceled:

"(b) That the alternate route hereinabove authorized shall not be used by applicant or any assignee or transferee of applicant to transport property destined to, or originating at, points northerly of the City of Bakersfield.

"(c) That said alternate route shall only be used to transport consolidated truckloads of not less than 16,000 pounds for each truck or unit used."

(3) That in all other respects the application herein is denied.

(4) 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.

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

Dated at San Francisco, California, this 4th day of May, 1954.

John E. Mitchell
President

Justin F. Calmes

Kenneth Pottent

Dorve Deagins

Commissioners