

Decision No. 51323

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
CAL-CENTRAL TRUCKING CO., INC., a )	Application No. 34643
corporation, for a certificate of )	
public convenience and necessity. )	

Willard S. Johnson, for applicant.  
Frederick W. Mielke, for Delta Lines, Inc.;  
Frederick E. Fuhrman and William Meinhold, for  
 Southern Pacific Company and Pacific Motor  
 Trucking Company;  
Douglas Brookman, for Merchants Express Corporation,  
 Valley Motor Lines, Inc., Valley Express Company,  
 California Motor Express Company, Ltd., and  
 Stockton Motor Express, and  
M. A. Gilardy, for Interlines Motor Express, pro-  
 testants.  
Robert W. Walker and R. K. Knowlton, for The  
 Atchison, Topeka and Santa Fe Railway Company  
 and Santa Fe Transportation Company, interested  
 parties.  
Grant L. Malquist, for the Commission staff

O P I N I O N

The original application in this matter was filed on August 14, 1953. Amendments were filed on October 10 and November 21, of the same year. The original application was made for the purpose of removing several minimum weight restrictions in the applicant's outstanding certificates. The first amendment sought to expand applicant's service territory. The second amendment limited the application to a request for removal of weight restrictions between Sacramento and the San Francisco-East Bay group of cities.

Nine days of public hearings were held before Examiner John Power at Sacramento and San Francisco. Oral argument, which was to have been held, was finally waived by all parties in December, 1954, and the matter is ready for submission and decision.

Applicant presented its president as an operating witness. In addition, thirty-seven shipper witnesses testified in support of the application. The various protestants presented six operating witnesses. Two witnesses from the Commission staff testified in support of three exhibits prepared for Case No. 5478 but also introduced in evidence in this proceeding. The principal one reported results of a traffic check on truck movements between the San Francisco territory, on the one hand, and Stockton and Sacramento, on the other. Another exhibit gave the results of a questionnaire mailed to truckers by the Commission. The third gave certain comparisons between the traffic check exhibit and previous traffic checks in the same area.

The business now operated by applicant was founded by one Wallace Riske in 1931. Mr. Riske operated as a sole proprietor under the firm name of W. H. Riske Trucking. A. D. Mitchell and V. G. Clark acquired the business, taking possession on January 1, 1946. These two continued the business under the same name until 1952 when applicant was organized. The Messrs. Mitchell and Clark, between them, control applicant through stock ownership. Applicant, in turn, acquired the Riske Trucking Co., from Mitchell and Clark. Applicant's first certificate was acquired under Decision No. 43731, dated January 24, 1950, in Application No. 30322.

The terminal facilities of applicant are all under lease. Applicant's exhibit listing its terminals in the application area shows that there are four. They are located at San Francisco, Oakland, Richmond and Sacramento, the headquarters terminal. The San Francisco terminal is leased from Charles J. Worth Drayage Co., and the Richmond terminal from Parr Terminal Co. Applicant describes its San Francisco

facilities as being one-fourth of an acre, its Oakland terminal as being one-half an acre and its Richmond terminal as being one acre in extent. The Sacramento terminal (located in West Sacramento) contains twelve and one-half acres.

Protestants made a point of an alleged inadequacy of dock facilities at these terminals, although there are some dock facilities available at all of them. The fact seems to be that these facilities might well prove inadequate if applicant were to develop a considerable less-truckload business. However, they are adequate for the predominantly truckload business that applicant has had in the past.

Applicant's fleet consists of twenty-one trucks, three gasoline and eighteen diesel; sixty tractors, thirty-seven gas, twenty-three diesel; 185 trailers of which twenty-two are of the van type; sixteen pickups; two yard trucks; seven automobiles; three fork lifts and a special fork lift trailer. The total fleet consists of 295 units.

Applicant's operating witness presented an exhibit showing his personal experience in transportation. He had fourteen years in the transportation field prior to becoming a partner in and manager of applicant's predecessor. Four years of this was with two California highway carriers. His other transportation experience was quite various consisting of traffic, operations, maintenance and government work. Applicant has about 125 employees, twelve of whom, including two corporation officers, are classified as key personnel.

The Commission is of the opinion that no deficiency in applicant's facilities, equipment, experience and personnel has been shown which require denial of this application.

Applicant elected to establish public convenience and necessity largely through its thirty-seven shipper witnesses. No traffic exhibit was presented. All of these witnesses were from Sacramento and its environs, and most were consignees of less-truckload

traffic. Twenty-two of them select their carriers all or most of the time. Five do so occasionally. Concerning six of them the record is silent on the question of selection.

The same weight should be accorded the testimony of receivers of freight who designate the carrier at the point of origin as is given to the testimony of shippers who select the carrier.

In the instant proceeding the public witness testimony in the main was to the effect that they desired the proposed service because of their favorable experience with applicant in the past and the convenience, schedules and method of handling offered by such service and not readily obtainable from existing highway common carriers. Some of these witnesses stated they had no complaints as to existing services but desired service in addition thereto.

Applicant urged in support of its request that its proposed service would be superior to those of the established carriers in the area. It also offered some evidence that the service of existing carriers was unsatisfactory. Applicant offered two services on less-truckload traffic. The first was an overnight service, daily including Saturday, in both directions with delivery by ten o'clock first morning. Second was a same-day service eastbound only.

The Saturday feature was strenuously attacked as uneconomic by the protestants who pointed to the necessity of paying overtime wages on Saturday amongst other things. Applicant's operating witness testified, however, that its establishments are now open on Saturday and some personnel are on duty in connection with applicant's present certificated authority.

The assurance of delivery by ten o'clock in the morning also aroused controversy from protestants who employ their pickup and delivery equipment on delivery until noon or even later on busy days. After completion of deliveries the same equipment is used for pickups. Applicant claimed that, due to its intercity and local services it

could profitably use its pickup-delivery personnel, if not the equipment, on other work after 10 A.M.

Applicant's proposal for a same-day delivery type of service was also attacked. The only carriers that now solicit such traffic are passenger stage corporations and their service is subject to severe restrictions on weight and size. Some protestants furnish such service upon request but do not actively solicit it. Applicant countered with testimony from twenty-nine of its shipper witnesses that they needed and would use a same-day service if offered.

Questions were raised by protestants concerning applicant's guaranteed delivery by 10 A. M. There is evidence in the record that during the period of applicant's contract service in 1953, it had no difficulty in providing such delivery. Applicant's over-all operations are not necessarily the same as those of protestants. Therefore, protestants experience is not a firm basis for a forecast respecting applicant in the face of specific testimony to the contrary from applicant's operating witness.

Shipper witnesses did not all agree on the question of the service rendered by the protestants. Some described it as satisfactory. Some were definitely displeased. Complaints were chiefly of late afternoon or second-day deliveries. There was some complaint of late settlement of claims. Few of the witnesses had ever been solicited for their patronage.

Upon the evidence of record herein the Commission finds that public convenience and necessity require the proposed extension of rights.

C R D E R

Application having been filed and public hearings held thereon and the Commission having considered all of the evidence of record and being of the opinion and finding that public convenience and necessity so require, therefore,

IT IS ORDERED:

(1) That ordering paragraph (a) appearing on sheets 8 and 9 of Decision No. 43731, dated January 24, 1950, in Application No. 30322 is hereby amended to read as follows:

"(a) Commodities to be transported along Routes Nos. 1 and 2:

General commodities (except articles of extraordinary value, uncrated used household goods, unprocessed fruits and vegetables, petroleum products in bulk in tank trucks, and products moving under refrigeration) in shipments of not less than 20,000 pounds, or shipments which shall carry charges applicable to 20,000 pounds, except as to machinery, rice, bean and grain processing machinery, steam boilers, forklift trucks, platform trucks, warehouse carts and trailers, sorting and grading platforms moving from or to canneries, rice mills, grain and bean processing plants, warehouses and machine repair shops which shall be transported in shipments of not less than 5,000 pounds, or shipments which shall carry charges applicable to shipments of 5,000 pounds. Provided, however, that neither of said weight limitations shall apply to shipments transported between Sacramento on the one hand and San Francisco, Richmond, El Cerrito, Albany, Berkeley, Piedmont, Oakland, Alameda and San Leandro, on the other hand."

(2) That in providing service pursuant to the authority herein granted, applicant shall comply with the following service regulations:

- a. Within thirty days after the effective date of this order, 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 comply with the provisions of General Order No. 80 by filing in triplicate, and concurrently making 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 12<sup>th</sup> day of April, 1955.

Robert E. Mitchell  
President  
Justin J. O'Connell  
Raymond L. Winter  
Markus A. Volby  
Commissioners