

Decision No. 53009

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN CALIFORNIA FREIGHT LINES,)
 a corporation, for a certificate of)
 public convenience and necessity to)
 transport property by auto truck as) Application No. 37571
 a highway common carrier to points)
 in Kern, Ventura, and Santa Barbara)
 Counties, as an extension of its)
 existing operating authority.)

H. J. Bischoff and John B. Robinson, for applicant.
E.L.H. Bissinger, for Southern Pacific Company, and Pacific Motor Trucking Company; Glanz and Russell, by Theodore W. Russell, for Mission Drayage Service, Fields Freight, Inc., and Oxnard Trucking Service; Douglas Brookman, for Valley Express Company, Valley Motor Lines, Inc., Cal Motor Express, Ltd., Cal Motor Transport Company, Ltd., and Merchants Express of California; Robert W. Walker and Henry M. Moffat, by Henry M. Moffat, for The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Co., protestants.

O P I N I O N

Southern California Freight Lines, applicant herein, has
 (1) authority from this Commission to operate as a highway common carrier:

A. For the transportation of property, except (1) used household goods, (2) petroleum in bulk, (3) animals or pets, (4) money or valuable papers, (5) precious metals or stones or articles manufactured therefrom, (6) jewelry, or (7) articles of extraordinary value when transported in shipments under 500 pounds in weight:

(1) Between Los Angeles and San Jose, exclusive of San Jose via U. S. Highway 101 and the following routes:

(a) U. S. Highway 101 Alternate between Santa Monica and the intersection of said highway with U. S. Highway 101 at a point north and westerly of Oxnard.

(1) Decision No. 51741, dated July 26, 1955, in Application No. 32246, as amended by Decision No. 52336, dated December 5, 1955, in Application No. 32246.

- (b) State Highway 118 between San Fernando and the intersection of said highway with U. S. Highway 101 at a point approximately 4.1 miles east of Ventura.
- (c) State Highway 126 between U. S. Highway 99 and the intersection of said highway with U. S. Highway 101 at a point approximately 2.5 miles east of Ventura.
- (d) State Highway 150 from Santa Paula through Ojai to the intersection of said highway with U. S. Highway 399 west of Ojai, thence via U. S. Highway 399 to its intersection with U. S. Highway 101 in Ventura.
- (e) State Highway 1 between Las Cruces and Pismo Beach.
- (f) State Highway 150 between Buellton and Lompoc.
- (2) Between Los Angeles and Sacramento, including Sacramento, via U. S. Highway 99.

The above authority applies (a) from, to and between all places situated on the given routes and within a radius of five miles laterally on each side of said routes, and (b) between all points on said routes and also within a radius of five miles thereof, on the one hand, and the San Francisco Territory, as described. in Item No. 270-A of Minimum Rate Tariff No. 2, on the other hand.

B. For the transportation of property (except (1) used household goods, (2) petroleum in bulk, (3) animals or pets, (4) money or valuable papers, (5) precious metals or stones or articles manufactured therefrom, (6) jewelry, or (7) other articles of extraordinary value) restricted to shipments weighing 2,000 pounds or on which transportation charges are computed on a weight of not less than 2,000 pounds:

(1) Between all points more than five miles but not over ten miles from highways and routes described in A above.

(2) Between said points, on the one hand, and the San Francisco Territory as described in Minimum Rate Tariff No. 2, on the other hand, and

(3) Between all points, places and routes authorized to be served by Ordering Paragraph A, on the one hand, and all points more than five miles but not over ten miles from said routes, on the other hand.

The authority described in A and B supra is subject to the restriction, among others, that applicant shall transport no property between points in applicant's service area lying south of the northern boundaries of Santa Monica and San Fernando, and east thereof, on the one hand, and points and places in Kern County, Ventura County or Santa Barbara County, on the other hand, nor shall applicant transport any shipments having both origin and destination within Kern, Ventura and Santa Barbara Counties.

By the application herein, filed on December 13, 1955, applicant seeks to have the above quoted restriction removed.

Public hearings were held before Examiner Kent C. Rogers in Los Angeles on January 18 and 19, and March 20, 1956, and the matter was submitted. It is ready for decision.

Rates

The rates applicant proposes to charge will be the minimum rated prescribed by this Commission on commodities with respect to which the Commission has set minimum rates. When no minimum rates are prescribed by this Commission applicant proposes to assess rates of a volume comparable to the rates on commodities on which minimum rates are established.

Service and Facilities

Applicant proposes an overnight service generally between the Los Angeles Territory and the Counties of Kern, Ventura and Santa Barbara, and a local service in those three counties. A same-day service may be provided between the Los Angeles Territory and points in the proposed service area as far north as and including Oxnard.

Applicant proposes to add terminals at Bakersfield, Santa Barbara, Santa Maria, and Oxnard or Ventura. Its present terminals are shown on Exhibit No. 5.

Exhibit No. 4 lists the 928 pieces of equipment which applicant has to render its present and the proposed services. In addition, applicant has available ten driver-owned diesel tractors.

Southern California Freight Lines, Ltd., is a nonoperating holding company which has seven wholly owned subsidiaries including the applicant. Exhibit No. 8 contains a consolidated balance sheet, individual balance sheets, individual operating statements, and a consolidated operating statement for the calendar year of 1955 for the holding company and each of the subsidiaries including the applicant.

Applicant's Public Witnesses

Applicant called 23 shippers or representatives of shippers as witnesses. With one exception they desired service from points in the Los Angeles Territory to points in Santa Barbara and Ventura Counties. The majority of them also wanted service to Kern County points along U. S. Highway 99. The excepted witness would like to have avocados carried from Santa Paula to Southern California points south and east of Los Angeles, including Los Angeles. None of them wanted any local service between any two or more points in the three counties. Collectively, the merchandise the appearing shippers sell consists of general commodities, and their shipments range in weight from 25 pounds to several truckloads and vary in frequency from once or twice a week to several times per day. Each shipper is now using the applicant's services between points outside of the three counties referred to in its authorized service area. They all desire its services from the Los Angeles Territory into Ventura and Santa Barbara Counties, and the majority of them desire applicant's services into Kern County. Most of the witnesses had no specific complaint

or complaints against the carriers serving those counties, but use the applicant's services to and from its authorized service points and desire to have its services extended into the three counties. Some had a shortage of dock space and desired to cut down the number of carriers loading or unloading thereat by the use of applicant's services. Some of the witnesses stated that they would like to restrict the number of carriers and would cease using other carriers into the three counties if the applicant were permitted to serve therein. A few wanted to add applicant to the list of carriers available in the three counties.

Protestants

Southern Pacific Company, Pacific Motor Trucking Company (Pacific Freight Lines), Mission Drayage Service, Fields Freight, Inc., Oxnard Trucking Service, Valley Express Company, Valley Motor Lines, Inc., California Motor Express, Ltd., California Motor Transport Co., Ltd., Merchants Express of California, The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Co. appeared as protestants. Evidence was presented on behalf of Oxnard Trucking Service, Fields Freight, Inc., Pacific Motor Trucking Company, and Santa Fe Transportation Co.

The evidence presented by the protestants shows that they are not operating to capacity, that they desire and need more traffic, and that many of the permitted carriers serving the three counties have applied for certificates of public convenience and necessity pursuant to this Commission's Decision No. 50448 in Case No. 5478.

Conclusion

The record herein contains no evidence which would support the grant to applicant of authority to provide any local service within the Counties of Kern, Ventura and Santa Barbara, and this portion of the application will be denied. The records of the Commission show that applicant is authorized to provide service

between points in the greater portion of California south of San Francisco and Sacramento with the exception that it may render no service between points south of the northern boundary of Los Angeles County, on the one hand, and points in Kern, Ventura and Santa Barbara Counties, on the other hand. The record herein shows that a substantial number of shippers, many of whom ship between the Los Angeles Territory and points south and east of Los Angeles or points north of Kern and Santa Barbara Counties, use applicant's services to the extent of its authority and desire that it be authorized to serve in the three named counties. While it is possible that each of these shippers could be adequately served by other carriers, we believe that applicant should be permitted to extend its authority to enable it to provide a complete service to those shippers who appeared in its behalf. Upon the evidence of record herein we are of the opinion and find that public convenience and necessity require that applicant be authorized to render service as a highway common carrier between points south and east of the northern boundaries of the Cities of Santa Monica and San Fernando, on the one hand, and points in the Counties of Kern, Ventura and Santa Barbara, on the other hand, as an extension of and to be consolidated with its existing rights, as set out in the order which follows, and that in all other respects the application should be denied.

O R D E R

An application having been filed, public hearings having been held thereon, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED that subparagraph (1) in paragraph C on page 17 of the order of Decision No. 51741, dated July 26, 1955, in Application No. 32246 is amended to read as follows:

(1) Applicant shall transport no shipments having both origin and destination within Kern County, Ventura County and/or Santa Barbara County.

IT IS FURTHER ORDERED that 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, appropriate tariffs satisfactory to the Commission.

IT IS FURTHER ORDERED that except as modified by the order herein, the order of Decision No. 51741, dated July 26, 1955, in Application No. 32246, as modified by Decision No. 52336, dated December 5, 1955, in Application No. 32246, 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 1st day of May, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner..... Rex Hardy....., being necessarily absent, did not participate in the disposition of this proceeding.