

ORIGINAL

Decision No. 58026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MERRIFIELD TRUCKING COMPANY, a corpora-
 tion, for a certificate of public con-
 venience and necessity to operate as a
 highway common carrier: (a) of specifi-
 cally named food products between certain
 presently authorized points, and (b) of
 specifically named food products between
 Sanger and Turlock and certain presently
 authorized points, as extensions of appli-
 cant's present services pursuant to
 Section 1063, Public Utilities Code.

Application No. 39732

Glanz & Russell by Theodore W. Russell and Richard D. Hassenplug for applicant, Merrifield Trucking Company.
 Berol & Silver by Bruce R. Geernaert for Southern California Freight Lines, Southern California Freight Forwarders, Delta Lines, Inc., Valley Motor Lines, Inc., Valley Express Co., California Motor Transport Co., Ltd., California Motor Express, Fortier Transportation Company and Coast Line Truck Service, Inc.;
J. B. Robinson for Southern California Freight Lines and Coast Line Truck Service; Robert Walker and R. K. Knowlton for Santa Fe Transportation Company and The Atchison, Topeka and Santa Fe Railway Company; Francis X. Vieira for Antonini Fruit Express, N. A. Cotelli Trucking and Souza's Milk Transportation, Clifford L. Aksland, doing business as Sunrise Transportation Co.; protestants.
J. B. Christenson for J. Christenson Co., interested party.

O P I N I O N

Merrifield Trucking Company, a corporation, applicant herein, now holds a certificate of public convenience and necessity authorizing it to transport commodities between various points, places and areas as more specifically set forth in Decisions Nos.

54285, 54792 and 54971.^{1/} Generally, the authority is for (1) general commodities, between points in a described area consisting of portions of Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside and Orange Counties (hereinafter referred to as the Los Angeles Area), (2) limited commodities such as foodstuffs, beverages, meats, poultry, lard, starch, et al., between the Los Angeles Area, on the one hand, and the San Francisco Territory and San Diego, on the other hand, and between the San Francisco Territory and San Diego, (3) sugar, between Carlton, Betteravia and Spreckels, on the one hand, and the Los Angeles Area, on the other hand, (4) citrus fruits and juice, fresh and frozen, between Tulare County and Goleta, on the one hand, and the Los Angeles Area, on the other hand, and (5) fruits, vegetables, cold pack or frozen, and citrus fruit, between Patterson, Ceres, Modesto, Fresno, Stockton and Bakersfield, on the one hand, and the Los Angeles Area, the San Francisco Territory, San Diego and Tulare County and Goleta, on the other hand. It is apparent from an examination of the said decisions that applicant's present operating authority is somewhat restricted and complex as to the commodities it may transport and points and places between which it may serve.

By this application authority is sought to increase present categories of commodities and to enlarge its present areas of service.

^{1/} On Application No. 35915 filed pursuant to Decision No. 50448, sometimes referred to as the "policy decision."

Public hearings were held in Los Angeles and San Francisco before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced, the matter was submitted subject to the filing of briefs since filed and considered.

The record shows that applicant and its predecessors have engaged in the transportation of food products and related commodities, shipped under temperature control and otherwise, for many years. Its present certificated authority was predicated generally upon the scope of its operations prior to September of 1953. Since then there has been a continued increase in population in the area served by applicant and a material expansion in number of items which are being shipped under temperature control, as well as related commodities not requiring temperature control.

Applicant operates in excess of 200 pieces of equipment, employs 160 persons, of which 110 are drivers, many with training in the operation of special temperature control equipment. Terminals are maintained at Los Angeles, Anaheim, Oakland and San Jose, and lesser station facilities are located at Modesto and Fresno. Applicant is financially sound and has been maintaining a position of leadership in the food transportation field in this State.

The food products and other commodities now sought to be added are in most instances shipped or received by companies manufacturing, processing, or dealing in commodities requiring temperature control. Thirty-nine shipper witnesses testified in support of the application. They represented large and small manufacturers, processors or distributors. The testimony shows that there is an increasing need for transportation of shipments requiring

temperature control equipment and also of mixed shipments consisting of related products or commodities not requiring temperature control. It was testified that it is especially desirable to have available a transportation service that would eliminate the necessity of using multiple carriers with the attendant shipping difficulties, inconveniences, and paper work. The record shows that a more complete service as herein proposed would be in the public interest.

Four protestants presented evidence of their operating authority, characteristics of present service, types of equipment, location of terminals, personnel, and financial condition. The objections in the main were to the expansion of applicant's present commodity list and to the enlargement of some of the service area. Applicant's proposed service is substantially a continuation of the kind and type of transportation which it is now authorized to perform, fitted to present business and transportation conditions. It is not apparent from the evidence that protestants would suffer any material loss of present business or revenue.

Having considered the evidence of record, the Commission is of the opinion and finds that public convenience and necessity require that applicant be authorized to enlarge its present operations so as to provide a more complete service for that portion of the public engaged in the production and distribution of food products and other related commodities as hereinbelow set forth.

For clarification, and to avert a multiplicity of certificates, the Commission deems it advisable to grant a new certificate of public convenience and necessity in lieu and stead of the existing certificates.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Merrifield Trucking Company, a corporation, authorizing it to operate as a highway common carrier, as defined by Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes as more particularly set forth in Appendices A, B and C, attached hereto and made a part hereof, and subject to the conditions and restrictions, if any, set forth therein.

(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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.
- b. Within sixty days after the effective date hereof, and on 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 and time schedules satisfactory to the Commission.

(3) That the operating authority herein granted is in lieu of all prior highway common carrier operating authority granted by this Commission to Merrifield Trucking Company, a corporation, in Decisions Nos. 54285, 54792 and 54971, and said decisions are hereby revoked effective concurrently with the establishment of service pursuant to the authority herein granted.

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

Dated at San Francisco, California,
this 17th day of February, 1959.

J. Lynn Fox
President
W. E. D. [illegible]
W. E. D. [illegible]
Theodore Deener
Ernest R. [illegible]
Commissioners

Appendix A

Merrifield Trucking Company
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Merrifield Trucking Company, a corporation, by certificate of public convenience and necessity granted in decision noted in the margin, is authorized to transport:

1. GENERAL COMMODITIES, between:

All points and places within the area described in Appendix C hereto attached.

2. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39410 through 41150 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof, except sugar, liquid.

MEATS, COOKED, CURED, FRESH OR PRESERVED; LARD; LARD SUBSTITUTES; RENDERED PORK FATS; OR DRESSED POULTRY, as listed under that heading in Items Nos. 67780 through 68030 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

STARCH, as listed under that heading in Items Nos. 87755 through 87780 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

FRUITS AND VEGETABLES, FRESH, as listed under that heading in Items Nos. 41815 through 42220 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

BAKERY GOODS INCLUDING WAFFLES, FROZEN AND PIES O/T FROZEN, as listed under that heading in Items Nos. 9745 through 9820 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

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2. (Continued)

CANDY OR CONFECTIONERY, as listed under that heading in Items Nos. 20050 through 20200 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

CASINGS (SAUSAGE OR MEAT PRODUCTS), as listed under that heading in Items Nos. 21360 through 21400 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

COCOANUTS (ALSO COCOANUT MILK), as listed under that heading in Item No. 28780 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

DAIRY PRODUCTS, INCLUDING BUTTER, MARGARINE, EGGS, MILK AND ICE CREAM, as listed under that heading in Items Nos. 31770 through 31930 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

FEED, ANIMAL OR POULTRY - (INCLUDING FISH FOOD, FROZEN) as listed under that heading in Items Nos. 37030 through 37691 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

FISH, FRESH OR FROZEN, as listed under that heading in Items Nos. 38505 through 38575 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

FISH LIVERS, FROZEN, as listed under that heading in Item No. 38600 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

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Appendix A

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2. (Continued)

FRUIT OR BERRIES (IN SOLUTION) as listed under that heading in Item No. 41550 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

FRUIT PEEL OR PULP - DRIED, as listed under that heading in Item No. 41555 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

NUTS, EDIBLE, as listed under that heading in Items Nos. 70970 through 71090 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

OILS, not named in other more specific groups as listed under that heading in Items Nos. 72305 through 72695 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

MISCELLANEOUS COMMODITIES, VIZ.:
Lime, chlorinated
Sodium Chloride (common salt)
Ice

COMMODITIES, OTHER THAN HEREIN SPECIFIED,
REQUIRING TEMPERATURE CONTROL.

between:

- (a) All the points and places within the area described in Appendix C hereof, on the one hand, and all the points and places within the San Francisco Territory as described in Appendix B hereof, all points and places in Tulare County, Fresno, Sanger, Bakersfield, Goleta and San Diego, on the other hand.

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2. (Continued)

- (b) All points and places within the San Francisco Territory as described in Appendix B hereof, on the one hand, and San Diego, on the other hand.
- 3. SUGAR, EXCEPT LIQUID SUGAR, between Carlton, Betteravia, Spreckels, on the one hand, and the points and places described in Appendix C hereof, on the other hand.
- 4. FRUITS AND VEGETABLES, FRESH OR GREEN, COLD PACK OR FROZEN: AND JUICE, CITRUS FRUIT: AND JUICE, CITRUS FRUIT, FROZEN, and also

PERISHABLE COMMODITIES REQUIRING REFRIGERATION.

between:

Stockton, Modesto, Ceres, Patterson, Turlock, Fresno, Sanger and Bakersfield, and between each of said points, on the one hand, and all points and places within the area described in Appendix C hereof, the San Francisco Territory as described in Appendix B hereof, all points and places in Tulare County, Goleta and San Diego, on the other hand.

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Appendix A

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The authority hereinabove set forth in paragraphs 2, 3 and 4 does not include the right to render service to, from or between intermediate points, nor the right to transport any shipments of:

- (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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ROUTES:

Applicant shall operate over and along the most direct, appropriate and convenient highways, roads, and streets in the performance of the transportation services hereinabove authorized.

End of Appendix A

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Appendix B

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SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose - Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and

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Appendix B

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Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; south-westerly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

End of Appendix B

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Appendix C

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LOS ANGELES AREA

Beginning at (and including) the City of Santa Barbara; thence along U. S. Highway No. 101 to the intersection thereof with State Highway No. 126; thence along State Highway No. 126 to its intersection with U. S. Highway No. 99; thence along U. S. Highway No. 99 to its first intersection with the corporate limits of the City of San Fernando; thence northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to and including the City of Redlands; westerly along U. S. Highway No. 99 to U. S. Highway No. 395; southerly along U. S. Highway No. 395 to State Highway No. 18; southwesterly along State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 91 to State Highway No. 55; southerly on State Highway No. 55 to the City of Santa Ana; thence via U. S. Highway No. 101 to San Clemente (including the off-route point of El Toro Marine Base); thence southwesterly to the shore line of the Pacific Ocean; thence northwesterly along the shore line of the Pacific Ocean to the point of beginning.

End of Appendix C

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