

Decision No. 59388

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of MERCHANTS EXPRESS OF CALIFORNIA,
a corporation, for a certificate of
public convenience and necessity
to extend highway common carrier
service.)

) Application No. 41179

- Bertram S. Silver, Bruce R. Geernaert and Edward W. Berol, for applicant.
- R. S. Crossland for Southern California Freight Lines, Southern California Freight Forwarders, Coast Line Truck Service, Oregon-Nevada-California Fast Freight Inc., and Ryan & Scholl dba Mariposa Express, protestants.
- Marvin Handler and Daniel W. Baker for Alfred F. Antoni dba Antoni Truck Lines, and for Nielsen Freight Lines, protestants.
- E. J. Muzio for Miles Motor Transport System; E. H. Griffiths for T & S Motor Express; and Willard S. Johnson for J. Christenson, interested parties.

O P I N I O N

By this application, Merchants Express of California, a corporation, requests a certificate of public convenience and necessity authorizing the transportation of general commodities, except uncrated household goods, petroleum products in bulk, live-stock, and articles of extraordinary value, between all points and places on twenty-three described routes and all points and places in the Los Angeles Basin Territory, as described in Minimum Rate Tariff No. 2, serving laterally within 20 miles of said routes.

Public hearings were held in San Francisco, Los Angeles, Sacramento and Mariposa before Examiner Rowe, and on October 29, 1959 the matter was submitted for decision.

Applicant produced many public witnesses who represented a large portion of its regular shipper customers who testified that the present service was efficient and met their needs but that as to many points sought to be served such shippers would be benefited if applicant could make deliveries therein. In many instances this would enable the shippers to avail themselves of the split delivery provisions of the tariff. Also, this would eliminate the delay and added expense of interlining many shipments and would also permit an improved use of limited dock space.

The Commission is of the opinion and finds that public convenience and necessity require that the requested expanded rights be granted with two exceptions, to wit: (1) all freight moving otherwise than from San Francisco or from points not in Sonoma, Mendocino or Lake Counties, and (2) excepting all freight moving over and along State Highway 140 between Merced and Yosemite.

As to service within Lake, Sonoma and Mendocino Counties, protestants Nielsen Freight Lines and Alfred J. Antoni submitted convincing evidence that a substantial diminution of traffic would imperil their continuing efficient service to the area. However, as to traffic presently moving to this area which has been transported initially by Merchants Express and later under interline agreements carried to destination in these three counties by Mr. Antoni, it appears and the Commission finds that such traffic can and will be more efficiently and economically transported by applicant.

Referring to the movement of freight by highway common carrier between Mariposa and other points along State Highway 140 on the one hand and Merced and other points not on said highway on the other hand, the Commission finds from evidence of record that

if Mariposa Express is deprived of this business it will be unable to continue a highway common carrier service which has been fully meeting the public need of a sparsely populated and mountainous area. The loss of this service could not be adequately replaced by Merchants' exercising the rights they request into this territory.

Inasmuch as the current operating authority of applicant is contained in numerous orders of the Commission and is comprised of various certificates granted from time to time in the past, it is suggested to applicant that it give consideration to filing for an in-lieu certificate to replace its current authority.

O R D E R

Application therefor having been filed, public hearings having been held and based upon the above findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Merchants Express of California, a corporation, authorizing the transportation of general commodities, except uncrated household goods, petroleum and petroleum products, in bulk, livestock and articles of extraordinary value, between all points and places in the Los Angeles Basin Territory, as defined in Appendix "C" to Decision No. 58991, and over the routes described in Appendix "A" attached hereto and by reference made a part hereof. The rights hereby granted shall be consolidated with and exercised in conjunction with applicant's present rights and shall be subject to the restrictions and limitations therein contained.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe 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 ten days notice to the Commission and to the public, applicant shall establish the service herein authorized and shall file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 15th day of December, 1959.

E. J. [Signature]
 President

[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners

Merchants Express of California, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport property as follows:

General commodities, except uncrated household goods, petroleum and petroleum products in bulk, livestock, and articles of extraordinary value, between:

1. All points and places in its Los Angeles Basin Territory, as defined in Appendix "C" to said Decision No. 58991.
2. Between Laytonville and San Ysidro on U. S. Highways 101 and 101A.
3. Between Oakland and Auburn on U. S. Highway 40.
4. Between Oakland and Placerville on U. S. Highway 50.
5. Between Oakland and Sacramento on California Highway 24.
6. Between Pinole and Altaville on California Highway 4.
7. Between Napa and Lodi on California Highway 12.
8. Highways connecting Oakland, Stockton and Sacramento via U. S. Highways 40, 50 and 99.
9. California Highway 140 between Gustine and Merced.
10. California Highway 49 between Mariposa and Nevada City.
11. California Highway 120 between junction U. S. Highway 50 and Yosemite National Park.
12. California Highway 108 between Sonora and Strawberry.
13. California Highway 20 between Ukiah and Nevada City.
14. California Highway 45 between Woodland and junction California Highway 32.
15. U. S. Highway 40 Alt. between Woodland and Pulga.

Issued by the California Public Utilities Commission.

Decision No. 59388, Application No. 41179.

16. All connecting highways between U. S. 99E and U. S. 99W, serving Paradise as an off-route point.
17. U. S. Highway 99 between Redding and California-Oregon Border.
18. U. S. Highway 395 between Riverside and San Diego.
19. Lateral highways, California 198, 41, 166, 126, 118, U. S. Highways 466, 399, between U. S. Highways 101 and 99.
20. California Highway 33 between junction U. S. Highway 50 and Maricopa.
21. California Highway 29 between Calistoga and junction California Highway 20.
22. California Highway 53 between junction California Highway 29 and junction California Highway 20.
23. California Highway 128 between Calistoga and Geyserville.
24. California Highway 16 between Woodland and junction California Highway 20.

The above-described rights shall be subject to the following restrictions:

1. Merchants Express of California shall transport no freight originating in Mendocino, Sonoma or Lake Counties unless authorized by rights granted by a decision other than that noted in the margin.
2. Merchants Express of California shall transport no freight between points located over and along State Highway 140 or within five miles laterally thereof between Yosemite and Merced.

Issued by the California Public Utilities Commission.

Decision No. 59388, Application No. 41179.