

ORIGINALDecision No. 59790

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 BLANKENSHIP MOTORS, a corporation, for
 a certificate of public convenience and
 necessity to operate as a highway common
 carrier for the transportation of
 property.

Application No. 41390

Bertram S. Silver, for applicant.O P I N I O N

Blankenship Motors presently conducts the following highway common carrier operations:

(1) Transportation of general commodities for mail order houses and their retail stores between designated points, covering a substantial part of the state.

(2) Transportation of special commodities to, from and between points on designated highways between the San Francisco Bay Area, on the north, and San Diego and Los Angeles Basin, on the south.

Applicant requests authority to extend its service for mail order houses to additional points and to remove the special commodity restriction.

A public hearing was held before Examiner Thomas E. Daly on January 21, 1960, at Los Angeles. No appearance was made in protest to the authority sought.

Applicant owns and operates 227 pieces of equipment. It maintains terminals in San Leandro, Los Angeles, and Fresno. If the application is granted applicant proposes to establish additional terminals at Sacramento, San Diego, Santa Barbara, Santa Maria and Paso Robles. For the eleven months ending November 30, 1959, applicant indicated a net profit of \$24,747.24 after allowing for federal income taxes.

It was alleged by applicant that since the date when applicant was authorized to serve mail order houses, many of such establishments have either opened new stores or have plans to open new stores at the proposed extended points. With respect to applicant's requested authority to transport general commodities, applicant alleged that many of applicant's shippers, through lack of knowledge, tender to applicant commodities which it is not authorized to transport and that it is almost impossible to train applicant's pickup drivers to know the commodities it may and may not transport. It was alleged that this problem is further aggravated by the fact that some of the items included in applicant's operating authority cannot be rated without reference to Minimum Rate Tariff No. 2 or the Western Classification.

Applicant was prepared to introduce the testimony of forty-nine public witnesses. In the absence of protest, however, and as a matter of convenience to these people they were not personally called. Instead their names, their company's name and location, commodities handled and shipping points were placed upon a list and received as late filed Exhibit No. 11.

It was stated that if called these individuals would have testified as follows:

- (1) That their company's business has increased in past years.
- (2) That their dock space is crowded and they would prefer to use a carrier with a wider territorial coverage.
- (3) That there are complaints concerning the service of existing carriers.
- (4) That they have split deliveries that cannot be handled on the most reasonable basis where applicant is a permitted carrier to some points and a common carrier to other points.
- (5) That applicant can handle part of their commodities as a common carrier between San Francisco and Los Angeles Territories

but cannot handle to the intermediate points as a common carrier.

(6) That applicant can handle only part of such shippers' commodities as a common carrier.

After consideration the Commission is of the opinion, and so finds, that public convenience and necessity require the granting of the authority sought.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That in lieu of its existing operative rights a certificate of public convenience and necessity is hereby granted to Blankenship Motors, authorizing the transportation of property as a highway common carrier between the points and over the routes set forth in Appendices A, B, C and D attached hereto.

2. That concurrent with the inauguration of service authorized in ordering paragraph 1 hereof the following operative rights are hereby revoked:

<u>Decision No.</u>	<u>Dated</u>	<u>Application No.</u>
57834	Jan. 6, 1959	39785
58994	Sept. 15, 1959	39785
49247	Oct. 27, 1953	32047
53938	Oct. 16, 1956	35553
53310	June 26, 1956	35553

3. 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 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 15th day of March, 1960.

[Signature]
 President
[Signature]
[Signature]
Theodore J. J. J.
 Commissioners

Peter E. Mitchell
Commissioner being
necessarily absent, did not participate
in the disposition of this proceeding.

Blankenship Motors by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

A. General commodities for mail order houses and their retail stores between:

Antioch, Auburn, Bakersfield, Chico, Coalinga, Concord, Corte Madera, Dunsmuir, Eureka, Fremont, Fresno, Gilroy, Grass Valley, Hanford, Healdsburg, Livermore, Lodi, Lompoc, Los Banos, Los Gatos, Madera, Martinez, Marysville, Merced, Mill Valley, Modesto, Petaluma, Pittsburg, Pomona, Porterville, Red Bluff, Redding, Riverside, Roseville, Sacramento, Salinas, San Diego, San Luis Obispo, San Rafael, Santa Ana, Santa Barbara, San Bernardino, Santa Cruz, Santa Rosa, Stockton, Taft, Tracy, Tulare, Turlock, Ukiah, Vacaville, Vallejo, Monterey, Ventura, Napa, Visalia, National City, Walnut Creek, Oroville, Watsonville, Oxnard, Woodland, Paso Robles, Yreka.

Points within the San Francisco Territory, as described in Appendix B hereto attached, and

Points within the Los Angeles Territory as described in Appendix C hereto attached, and points within fifty miles of Oakland, California.

B. General commodities, except:

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.

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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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump truck or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.

Between the following points:

- (a) San Diego and San Francisco and intermediate points on U. S. Highways 101 and 101 Alternate.
- (b) Los Angeles and Sacramento and intermediate points on U. S. Highway 99.
- (c) Los Angeles and San Bernardino and intermediate points on U. S. Highway 66.
- (d) Los Angeles and Colton and intermediate points on U. S. Highways 60, 70, and 99.
- (e) Los Angeles and Riverside and intermediate points on U. S. Highway 60.
- (f) San Francisco Territory, as described in Appendix B hereto attached, on the one hand, and all points authorized to be served in subparagraphs (a) to (e) above, on the other hand.
- (g) San Francisco Territory, as described in Appendix B hereto attached, on the one hand, and the Los Angeles Basin Territory, as described in Appendix D hereto attached, on the other hand.

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- (h) Between points in the San Francisco Territory, as described in Appendix B hereto attached.
- (i) Service is authorized to and from points laterally within twenty-five miles of points authorized to be served on the above-described routes.
- (j) Traversing any and all public highways, streets and roads between all points above authorized for operating convenience.

The authority granted in Paragraph B above is subject to the following condition:

Applicant shall not render service between points in San Francisco Territory on the one hand and points between San Jose and Soledad inclusive, on the other hand.

The authority above is subject to the following condition:

Applicant shall not transport commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight. Further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer.

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- C. Fresh fruits and vegetables in shipments of not less than 5,000 pounds, to San Francisco, Oakland, Alameda, San Leandro and Richmond, from the Los Angeles Territory as defined in Appendix C from San Diego and all points and places within 25 miles thereof, from U. S. Highway 99 points Indio to El Centro, inclusive, and all points and places within 25 miles of such highway, from U. S. Highway 99 points Los Angeles Territory to Redlands, inclusive, and all points and places within 25 miles of such highway, from State Highway 126 points Ventura to Perris, inclusive, and all points and places within 25 miles of such highway, and from U. S. Highway 99 points Bakersfield to Fresno, inclusive, and all points and places within 25 miles of such highway.

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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, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; 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 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; southwestly 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.

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.

LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and 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 the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwestwesterly along the shore line of the Pacific Ocean to point of beginning.