



the San Francisco Territory and the junction with State Highway 120; State Highway 120 between U. S. Highway 50 and Manteca; and U. S. Highway 99 between Manteca and the Los Angeles Basin Territory.

4. Any point mentioned in 1, 2 and 3, on the one hand, and any point located on State Highway 152 between U. S. Highways 101 and 99, on the other hand.

(Decision No. 59361 dated December 8, 1959, in Application No. 39983).

In addition thereto applicant conducts permitted operations as a radial highway common carrier, a highway contract carrier and as a city carrier. By its application applicant requests authority to extend its highway common carrier service as follows: (1) the Delta area including Sacramento-Stockton-Vallejo area; (2) the Santa Cruz-Watsonville-Monterey area; (3) all points on Highways 33 and 166 between Tracy and Wheeler Ridge; (4) between all points in the Los Angeles Basin Territory; (5) the San Diego Territory; and (6) 25 miles laterally of all existing and applied for routes.

Applicant's main office and terminal is located at Sunnyvale. Another terminal is located at Huntington Park. It owns and operates approximately 124 pieces of equipment including 65 open trailers of the low-bed and high-bed variety and 8 van-type trailers.

As of December 31, 1960, applicant indicated an earned surplus in the amount of \$123,608.84 and a net profit of \$41,369.24 for the year 1960.

Applicant proposes a daily overnight service Monday through Friday with Saturday and holiday service provided upon request. A same-day service is presently provided within the San Francisco Bay area. If traffic conditions warrant terminals would be established at Sacramento and San Diego.

According to Emil Pozas, president of Pozas Bros. Trucking Co., applicant has operated as a permitted carrier to the proposed

extended areas. The operation, he testified, was an attempt by applicant to provide its certificated customers with a more complete service, however, as competitors were certificated to the extended areas applicant was placed at a competitive disadvantage because under the orders of the Commission applicant cannot provide a split pickup and delivery service on combined certificated and permitted commodities.

Applicant introduced the testimony of seven public witnesses. Their testimony is briefly summarized as follows:

1. Jose Malo

Owner of Metal Slitting Company located in Palo Alto. His company processes steel coils to the width required by customers. The coils average 1400 pounds. It receives shipments primarily from the mills located in Pittsburg. They require open, flat-bed equipment and special care in handling. In the past year, his company had approximately six shipments to Sacramento and two shipments to Stockton. Witness satisfied with applicant's service and has had no occasion to use any of the existing certificated carriers between said points.

2. Thomas E. De Hart

President of Special Metals Supply, Incorporated, located in Palo Alto. Deals in ferrous metals in strip and coil form, tubing, stainless alloy steels, refractory metals and exotic metals.

Agent for Calstrip Steel Corporation and recently agent for California Steel & Tube and California Strip Steel. Said companies are located in Los Angeles. On shipments originating in Los Angeles area in the past year the witness made six truckload shipments to San

Diego and 12 shipments of 2000 pounds average to Stockton, Sacramento and Vallejo. From his Palo Alto plant the witness has approximately two shipments a day averaging 1000 pounds per shipment to points in the counties of San Mateo, Santa Clara, Alameda, Sonoma and Contra Costa. Has used applicant for the past year following unsatisfactory experiences with other carriers.

3. Robert Lavaco

Vice President Oppenheimer Casing Company located in San Francisco. The company is engaged in the processing and distribution of animal intestines. Has occasion to ship from San Francisco to San Diego, San Francisco, Sacramento and Stockton in less than truckload lots (200 lbs. to 8000 lbs.).

Averages 2 or 3 shipments a week to San Diego during the spring lamb season and 1 or 2 shipments during the remainder of the year. Averages 4 to 5 shipments a week to Sacramento during spring and 2 or 3 shipments a week the balance of the year. Ships on the average of one a month to Stockton. Has on occasions used applicant's service on Saturday. Has used Valley Lines and Delta Lines to said points and with the exception of some delays and no Saturday deliveries the services of said carriers were satisfactory.

4. Clarence Hobbs

Manager of charcoal products for Collier Carbon & Chemical Corporation located at Santa Clara. The company primarily manufactures charcoal briquettes.

Ships 1 to 6 truckloads a day during the period March to September. Averages 1 truckload a day during the off season. Maintains warehouses at Los Angeles and San Diego but would discontinue warehousing and distribute directly via applicant's proposed overnight service if authorized. Has occasion to ship on Saturdays. Has tried four or five other carriers in past two years, but because of the close proximity of applicant's terminal and excellent service has used applicant on 95 per cent of his company's shipments, which would include service to such proposed points as Stockton, Sacramento and the Santa Cruz-Monterey area. Has split deliveries to Los Angeles and San Diego, but experienced delays with other carriers. Averages one truckload shipment a week to Stockton and one a week to Sacramento. Averages less than one truckload a week to the Santa Cruz-Watsonville area, and is not now getting overnight service to said area via other carriers.

5. Martin Schibler

Traffic Supervisor of the Sunnyvale Manufacturing Division of Westinghouse Electric Corporation. At Sunnyvale plant Westinghouse manufacturers 700 different items. His company has both inbound and out-bound shipments using applicant's services substantially but no exclusively. During 1959 applicant transported inbound shipments totaling 5,000,000 pounds and out-bound shipments totaling 17,674,000 pounds. Ships heavy electrical equipment and steam apparatus to San Joaquin Valley and Sacramento Valley points as well

as to San Diego; points on State Highway 33 and the Santa Cruz-Monterey area. Many shipments are destined to utility sites and construction jobs which are miles off the main routes. Requires low-bed and double-deck trailers especially designed to meet the needs of Westinghouse. Also requires an overnight service and frequently requires service on Saturdays and Sundays. Makes many split delivery shipments and pays a penalty just to use the service of applicant. Uses applicant because of its excellent service and its specially designed equipment.

6. Al Fabrini

Office Manager for Wire Specialties Co., located at Santa Clara. Manufactures wire products. Ships truckload and less-than-truckload to Sacramento, San Diego, Los Angeles Territory, Monterey area. Uses applicant because it renders a reliable overnight service and its terminal is close by, thus facilitating pickups. Applicant provides open, flat rack equipment, which is necessary for the witness' bulky type of shipments. Occasionally requires a Saturday service. Has split shipments and shipments moving to off-route points. On split shipments presently uses applicant and pays the penalty rate. Uses applicant on an average of 25 truckloads a month of which 75 per cent would move to points in Southern California.

7. Louis Melvin

Assistant Traffic Manager for the International Division of The Food Machinery & Chemical Corporation located at San Jose.

Manufactures food processing and packaging machinery. Ships both less-than-truckload and truckload shipments including shipments over-width, over-length and over-height. Primarily requires open, flat rack equipment and on occasions requires low-bed equipment. Ships to Riverside, San Leandro, Fresno, and Sacramento. Has used applicant for the past year. The service is very good, and when necessary same-day service is provided. Proximity of applicant's terminal is an advantage.

Of the protesting carriers Delta Lines, Inc., Merchants Express of California, Interlines Motor Express, Willig Freight Lines, California Motor Express, Ltd., and California Motor Transport Co., Ltd., Southern California Freight Lines, Oregon-Nevada-California Fast Freight, Pacific Motor Trucking Co., introduced evidence both oral and documentary reflecting their certificated operations in the extended areas covered by this application. These carriers have large and extensive fleets, modern terminals and the latest communication and billing facilities. They offer daily over-night services Monday through Friday with several providing a Saturday service upon request. Each actively solicits new business through employed solicitors and various means of advertising.

It is the contention of the protesting carriers that there is an abundance of certificated service to the proposed areas; that each has unused equipment capacity; and that further certification will merely dilute available traffic and thus result in lower revenues

for the existing carriers, which will ultimately have to be made up by the shipping public in the form of higher rates.

The record shows that applicant is providing a highly efficient and expeditious service. It is apparent this service is designed to meet the shipping needs and requirements of applicant's customers.

The question to be determined is whether applicant has established that public convenience and necessity require its service to the extent requested. A review of the record discloses a need therefor to such points as Sacramento, Stockton, San Diego, Santa Cruz, Watsonville, Monterey and Pittsburg. The argument of the protestants concerning dilution of traffic in these areas is not convincing. There is little or no evidence in this record to indicate a need for applicant's service with any degree of regularity to the proposed intermediate points, points on and along State Highway 33 and between points within the Los Angeles Territory.

After consideration the Commission finds and concludes that public convenience and necessity require the extension of applicant's service to Sacramento, Stockton, San Diego, Santa Cruz, Watsonville, Monterey and Pittsburg. In all other respects the application will be denied.

O R D E R

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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Pozas Bros. Trucking Co., authorizing the transportation of



property between the points and over the routes as set forth in First Revised Pages 1, 2, 3, 4 and Original Page 5 of Appendix A, attached hereto.

2. Appendix A of Decision No. 59361 is hereby amended by substituting First Revised Pages 1, 2, 3 and 4 attached hereto in place of Original Pages 1, 2, 3 and 4.

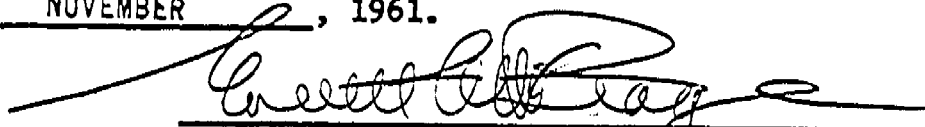
3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:


- (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 and insurance requirements of the Commission's General Order No. 100-B. 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 Orders Nos. 99 and 100-B, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty 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.


4. In all other respects Application No. 43083 is hereby denied.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of NOVEMBER, 1961.

  
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President

  
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Commissioners

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

A. Pozas Bros. Trucking Co., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities, subject to the exceptions hereinbelow set forth, between:

1. All points in the San Francisco Territory.
2. The San Francisco Territory and the Los Angeles Basin Territory and intermediate points located on U. S. Highway 101.
3. The San Francisco Territory and the Los Angeles Basin Territory and intermediate points located on U. S. Highway 50 between the San Francisco Territory and the junction with State Highway 120; State Highway 120 between U. S. Highway 50 and Manteca; and U. S. Highway 99 between Manteca and the Los Angeles Basin Territory.
4. Any point authorized to be served by the above subparagraphs 1, 2 and 3, on the one hand, and any point located on State Highway 152 between U. S. Highways 101 and 99, on the other hand.
5. Between all points authorized in subparagraphs 1, 2, 3 and 4 above, on the one hand, and Sacramento, Stockton, San Diego, Santa Cruz, Watsonville, Monterey and Pittsburg, on the other hand, via all available routes.

This authority does not include the right to render service between points within the Los Angeles Basin Territory.

Issued by California Public Utilities Commission.

Decision No. 62865, Application No. 43083.

Applicant shall not 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 semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such high-way 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.
7. Fresh or green fruits, fresh or green vegetables, or mushrooms, when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, precooling plant, or winery, or the empty containers used or shipped out for use in connection with such transportation.
8. Logs.

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Decision No. 62865, Application No. 43083.

B. The San Francisco Territory as referred to in this appendix includes 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 No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 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 Morago 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 No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwestwesterly 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 water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

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C. The Los Angeles Basin Territory as referred to in this appendix 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

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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 and Santa Fe Railway Company; southwestly 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; south-easterly 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; northwesterly along the shore line of the Pacific Ocean to point of beginning.

End of Appendix A

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