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**ORIGINAL**

Decision No. \_\_\_\_\_

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SAMJO, INC., a California corporation, )  
 doing business as SMISER FREIGHT SERVICE, )  
 for an in lieu certificate of public con- )  
 venience and necessity to operate as a )  
 highway common carrier for the transpor- )  
 tation of property and to extend its )  
 present certificate of public convenience )  
 and necessity. )

Application No. 43539  
 (Filed June 23, 1961)

Donald Murchison, for applicant.  
Arthur H. Glanz, for Blankenship Motors,  
 California Cartage Company, California Motor  
 Express, Ltd., Constructors Transport Company,  
 Delta Lines, Inc., Di Salvo Trucking Company,  
 Garden City Transport Co., Ltd., Interlines  
 Motor Express, Merchants Express of California,  
 Oregon-Nevada-California Fast Freight-Southern  
 California Freight Lines, Shippers Express  
 Company, Sterling Transit Company, Valley  
 Motor Lines, Inc., Valley Express Co., Willig  
 Freight Lines, and Desert Express, protestants.

O P I N I O N

This application, as amended, was heard before Examiner Thomas E. Daly at Bakersfield and Los Angeles, and was submitted on April 5, 1962. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules.

Applicant's Case

By Decision No. 61413, dated January 24, 1961, in Application No. 42545, applicant was authorized to transport general commodities, with the usual exceptions, as a highway common carrier, as follows:

1. Between all points and places in the Los Angeles Basin Territory as described in Item No. 270-B of Minimum Rate Tariff No. 2.
2. Between all points and places located on and within 10 miles laterally of the following named highways:

- (a) U. S. Highway 101 between the southerly boundary of the Los Angeles Basin Territory and San Ysidro, inclusive.
- (b) U. S. Highway 395 between the southerly boundary of the Los Angeles Basin Territory and San Diego, inclusive.
- (c) U. S. Highway 99 between the northerly boundary of the Los Angeles Basin Territory and Fresno, inclusive.
- (d) State Highway 65 between the junction with U. S. Highway 99 near Bakersfield and the junction with State Highway 198 near Exeter.
- (e) State Highway 198 between the junction with State Highway 65 and the junction with U. S. Highway 99.

3. Between the following off-route points: Taft, Shafter, Wasco, Corcoran, Hanford, Lemoore, U. S. Naval Air Station at Lemoore, and Dinuba.

At the present time the northernmost point of applicant's certificated operating authority is Fresno. By its application, as amended, applicant requests that its certificated authority be extended to include all points and places on, along, and within 10 miles laterally of U. S. Highway 99, north of Fresno, to and including Sacramento and all points on, along, and within 10 miles laterally of U. S. Highway 101 from and including Salinas to and including the San Francisco Territory. Service is also proposed to Monterey, Watsonville and Santa Cruz. No local service is proposed between points north of Fresno. Applicant presently serves the proposed area as a highway contract carrier.

Applicant proposes a daily, overnight, on-call service, except for Sundays and holidays. Service on Saturdays would be limited to the delivery of shipments picked up on Fridays. The proposed rates are comparable to those prescribed by the Commission in Minimum Rate Tariff No. 2.

Applicant owns and operates 42 units of equipment, including pickup and delivery trucks, tractors, and both open and van-type

trailers. It has also at its disposal under a lease arrangement with California Produce Distributors, a radial highway common carrier solely owned by applicant's president, the use of twenty-two additional units of equipment. Applicant operates leased terminals at Bakersfield, San Diego and Los Angeles. If the authority herein sought is granted, leased terminals will be established at Oakland, Fresno and possibly at Sacramento. As of September 31, 1961, applicant indicated a net worth in the amount of \$102,430.97 and for the nine months ending September 31, 1961, realized a net profit of \$3,822.61.

Applicant's president, Mr. Samuel L. Smiser, commenced operating in 1948, under the name of California Produce Distributors. At that time he owned and operated two trucks and was primarily engaged in the transportation of produce between California points and Denver, Colorado. In 1952, Mr. Smiser commenced hauling produce between various points in California. In 1954, applicant was formed, with Mr. Smiser as the sole stockholder, and began transporting general commodities as a contract carrier. In 1961, applicant acquired its present certificated authority.

According to Mr. Smiser applicant provides service to the proposed area for approximately fifteen contract accounts. He testified that applicant has received numerous requests for its extended service to the proposed areas.

#### Public Witness Testimony

Eighteen public witnesses testified on behalf of applicant. Seven were from Bakersfield, four from Los Angeles, two from Vernon and one from each of the following points: Fullerton, San Diego, South Gate, Compton and Santa Ana. They represented large business establishments which have shipments moving to or from the proposed extended areas. Their shipments consist of the following commodities: farm equipment; plumbing and heating supplies; steel

castings; diesel engines; fiber glass; tires, batteries and accessories; wireglass; paint and varnish; tools; ship repair parts and shipboard supplies; welding flux; scrap metal; foundry supplies; steel bars and steel office equipment; groceries; carpet lining; and tents, sleeping bags and camping equipment.

Ten of these shippers ship in both truckload and less-than-truckload lots, seven ship only in less-than-truckload lots, and one ships only in truckload lots. Seven are presently using applicant's contract service in the proposed area; the others are using applicant in its existing certificated area only. For the most part all are using one or more of the existing certificated carriers in the proposed area.

The service of the existing carriers was described as generally satisfactory except that four witnesses testified that the existing carriers do not consistently provide an early morning delivery service. Four testified that they require, but cannot obtain from the existing carriers, a pickup service after 5:00 p.m. Five of the eight witnesses in Bakersfield testified that they require a Saturday service which the existing carriers do not provide. Several witnesses who require open equipment experienced difficulties in obtaining such equipment on less-than-truckload shipments.

All were agreed that applicant provides a highly efficient, reliable and personalized type of service. Pickups and deliveries are made in conformity with the particular business needs and requirements of its customers. Saturday service is available to those who wish to make use of it.

#### Protestants' Case

Oral and documentary evidence reflecting their present operations was introduced by the following protesting carriers: Shippers Express Company, California Motor Transport Co., Desert Express Co., Valley Motor Lines, Inc., Delta Lines, Inc., Merchants Express of California, Constructors Transport Company, Southern

California Freight Lines, and Pacific Motor Trucking Company. All these carriers serve within the proposed area. They own and operate extensive fleets of equipment, including open and van-type trailers. They maintain many terminals throughout their certificated areas. Said terminals are equipped with modern facilities including communication systems for the purpose of dispatching and tracing shipments.

They offer and provide a daily overnight service Monday through Friday. Although several provide a Saturday service upon request, such service is not generally available because, protestants contend, most businesses are closed on Saturdays, and with little or no demand, the high cost of providing Saturday service, including overtime labor cost, makes it economically unfeasible. Each assertedly is in competition with the other certificated carriers serving the proposed area and each, to a varying degree, actively solicits and advertises in an attempt to attract new business. ✓

Pickups are generally made up to 5:00 p.m. by radio-equipped pickup trucks. Protestants do not provide a pickup service after this hour because, they contend, the demand is slight and keeping the pickup units on their respective routes until a late hour for the accommodation of a few would jeopardize the overnight service for their many other customers. ✓

Protestants take the position that the proposed area is adequately served by the existing certificated carriers and any further dilution of traffic would result only in reducing load factors and increasing operating costs. To offset increased costs protestants contend that they would be forced either to reduce the services they presently offer the public or to seek authority to increase rates.

#### Findings

Applicant introduced the testimony of a representative group of witnesses, whose companies ship a wide variety of commodities in both less-than-truckload and truckload quantities to points

throughout the proposed area. The record indicates that applicant is providing a highly efficient service within its certificated area. To a limited extent it is providing the same grade of service to the proposed area as a contract carrier.

It is apparent that many of applicant's customers have certain shipping needs and requirements (i.e., a need for early and late pickups, special open equipment, and Saturday service) which the existing carriers are not always able to meet. As a consequence these customers find applicant's existing and proposed service not only convenient but essential to the successful operation of their respective businesses.

After consideration the Commission finds that public convenience and necessity require the granting of the authority sought. Applicant's rights will be restated in the form of a new certificate.

O R D E R

Public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Samjo, Inc., authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendices A, B, C and D attached hereto and made a part hereof.

2. 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, applicant shall establish the service herein authorized and file in the Commission's office in triplicate tariffs satisfactory to the Commission.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificate of public convenience and necessity granted by Decision No. 61413 in Application No. 42545, which certificate is hereby revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 25th day of September, 1962.

\_\_\_\_\_  
 President  
*[Signature]*  
 \_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_  
 Commissioners

Samjo, Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities as follows:

1. Between all points and places located in the following territories:
  - a. Los Angeles Basin Territory as described in Appendix B attached hereto.
  - b. San Diego Territory as described in Appendix C attached hereto.
2. Between all points and places located on and within 10 miles laterally of the following named highways:
  - a. U. S. Highway 101 between the southerly boundary of the Los Angeles Basin Territory and the northerly boundary of the San Diego Territory.
  - b. U. S. Highway 395 between the southerly boundary of the Los Angeles Basin Territory and San Diego, inclusive.
  - c. U. S. Highway 99 between the northerly boundary of the Los Angeles Basin Territory and Fresno, inclusive.
  - d. State Highway 65 between the junction with U. S. Highway 99 near Bakersfield and the junction with State Highway 198 near Exeter.
  - e. State Highway 198 between the junction with State Highway 65 and the junction with U. S. Highway 99.
3. Between the following off-route points: Taft, Shafter, Wasco, Corcoran, Hanford, Lemoore, U. S. Naval Air Station at Lemoore, and Dinuba.
4. Between all points and places described in subparagraphs 1 through 3 above, on the one hand, and the following, on the other hand:
  - a. All points and places in the San Francisco Territory as described in Appendix D attached hereto.
  - b. Monterey, Santa Cruz, and Watsonville.

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- c. All points and places on and within 10 miles laterally of the following highways:
- (1) U. S. Highway 99 between Fresno and Sacramento, inclusive.
  - (2) U. S. Highway 101 between Salinas and San Jose, inclusive.

Note: No local service may be performed between any of the points described in subparagraphs a, b and c hereof.

5. a. Service may be performed between certificated points via any and all available streets and highways including all connecting streets and highways.
- b. Through routes and rates may be established between any and all points described in subparagraphs 1 through 3 above.

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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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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 trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

End of Appendix A

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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; southwestwardly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwardly 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; southwestwardly 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; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

SAN DIEGO TERRITORY consists of the area bounded as follows: Beginning at the junction of Torrey Pines Road and U. S. Highway 101 (4 miles north of La Jolla); thence easterly to Miramar; thence southeasterly to Lakeside, located on State Highway 67; thence southerly to Bostonia; thence southeasterly to Jamul, located on State Highway 94; thence due south to the International Boundary; thence westerly along the International Boundary to the Pacific Ocean; thence along the Pacific coast to a point due west of the point of beginning; thence due east to the point of beginning.

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; southwestwesterly 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; 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 waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.