

ORIGINALDecision No. 67968

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PROGRESSIVE TRANSPORTATION
COMPANY for amendment of its highway
common carrier certificate.

Application No. 46906
(Filed August 20, 1964)

O P I N I O N

Progressive Transportation Company, presently rendering service as a highway common carrier, requests that its operating authority be amended by excluding therefrom the transportation of iron, steel and heavy construction material between certain points.

By Decision No. 61309, dated January 4, 1961, in Application No. 42603, applicant's predecessor in interest was authorized to transport general commodities, with certain exceptions, between points and places in the San Francisco Territory, on the one hand, and the Los Angeles Basin Territory, on the other hand; also, authorization was granted to transport construction equipment of all types and kinds between the Los Angeles area and points on Highways 99, 395, 60, 66, 466 and 101, north to the Oregon border, east to the Nevada-Arizona border, and south to the Mexican border.

By the instant application, applicant proposes to exclude the transportation of any shipment of:

- (a) Steel pipe, from Azusa, California, and points within five miles of Azusa, to Los Angeles Harbor and Long Beach Harbor, California;
- (b) Steel, from Los Angeles Harbor and Long Beach Harbor, California, to points in California within five miles of the intersection of Foothill Boulevard and Azusa Avenue, Azusa, California;
- (c) Machinery, equipment, materials, and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of all kinds of pipelines, including the stringing and picking up thereof, between points in that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

(d) Iron and Steel articles, and materials and supplies, used in the manufacture of iron and steel articles, equipment, materials and supplies, used in oil and water well drilling and in bridge construction, foundry materials and supplies, machinery and machinery parts, copper and bronze wire, lead-covered copper wire and cable, and petroleum products, in containers, between points and places within 40 miles of Compton, California, including Compton.

(e) Heavy construction materials and supplies, such as structural steel, pipe, lumber, poles, and piling, used in the construction of bridges, piers, derricks, steel frame buildings, railroads, dams, and power transmission lines and communication systems, from Long Beach, Los Angeles Harbor and Los Angeles, California, to points and places within 125 miles of Long Beach.

In support of its request applicant alleges the following:

"The basis for the within application rests in applicant's experience and belief that the transportation being performed by it between the points set forth in Appendix "B" hereto may not be classified either factually or by statutory definition as a highway common carrier operation. Rather, it is applicant's contention that such service is in actuality of a character bringing it in certain instances within the classification of a radial highway common carrier and in other instances within the classification of a highway contract carrier as those terms are employed in the Public Utilities Code.

"Specifically, for many years prior to its acquisition of the afore-described highway common carrier authority, applicant was performing transportation activities between the points set forth in Appendix "B" hereto under its permitted authority. Upon acquisition of said certificate on January 28, 1964, it, of course, was precluded from utilizing its permit authority in connection with such hauling activities and since that date has been performing such transportation under the referenced certificate. Based upon such a background of experience, applicant believes that this transportation service involving repetitive movements over the same routes and/or between the same points, embraces a call-and-demand, non-scheduled operation subject to daily as well as seasonal fluctuations in areas and points of service activity. Along therewith certain of the involved transportation contemplates dedication of equipment to one shipper in connection with repetitive truck load movements from a single origin point under circumstances wherein contract carrier authority should most appropriately be utilized.

"It is thus applicant's position that in keeping with the spirit and intent of both the Highway Carrier Act and of the Public Utilities Act the involved operations should properly be conducted by applicant under its radial highway common carrier and highway contract carrier authorities. Of further significance from an operational

standpoint is the fact that applicant meets daily competition for the involved traffic from permitted carriers and since acquisition of its highway common carrier authority has experienced a decided competitive disadvantage in obtaining such traffic by virtue of its present rigid tariff structure."

After consideration, the Commission finds that granting of the application would not be adverse to the public interest.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 42603 is hereby amended by incorporating therein Original Page 5 attached hereto and made a part hereof.

2. Within one hundred and twenty days after the effective date of this order and on not less than thirty days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file with the Commission reflecting the authority herein granted.

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

Dated at San Francisco, California, this 6th day of October, 1964.

Frederick B. Hallock
President

William B. ...

Commissioners

I dissent.
George L. Hoover

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

10. Steel pipe,
From Azusa, California, and points within five miles of Azusa, to Los Angeles Harbor and Long Beach Harbor, California.
11. Steel,
From Los Angeles Harbor and Long Beach Harbor, California, to points in California within five miles of the intersection of Foothill Boulevard and Azusa Avenue, Azusa, California.
12. Machinery, equipment, materials, and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of all kinds of pipelines, including the stringing and picking up thereof,

Between points in that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.
13. Iron and Steel articles, and materials and supplies, used in the manufacture of iron and steel articles, equipment, materials and supplies, used in oil and water well drilling and in bridge construction, foundry materials and supplies, machinery and machinery parts, copper and bronze wire, lead-covered copper wire and cable, and petroleum products, in containers,

Between points and places within 40 miles of Compton, California, including Compton.
14. Heavy construction materials and supplies, such as structural steel, pipe, lumber, poles, and piling, used in the construction of bridges, piers, derricks, steel frame buildings, railroads, dams, and power transmission lines and communication systems.

From Long Beach, Los Angeles Harbor, and Los Angeles, California, to points and places within 125 miles of Long Beach.

Issued by California Public Utilities Commission.

Decision No. 67968, Application No. 46906.