

ORIGINAL

Decision No. 76947

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of SMITH TRANSPORTATION CO., a
California corporation, for an
extension of its certificate of
public convenience and necessity
to operate as a highway common
carrier for the transportation of
property in intrastate and inter-
state and foreign commerce, and
for an in lieu certificate of
public convenience and necessity
therefor.

Application No. 51435
(Filed October 17, 1969)

Donald Murchison, for applicant.

Kenneth P. Reilley, for Asbury
Transportation Co., and Leland
Floyd Barnett, for Carey Truck
Line, Inc., protestants.

O P I N I O N

Smith Transportation Co., presently providing service as a highway common carrier between various points in Southern California, requests a restatement of its operating authority so as to provide for an extension of its certificated operations and a finding that public convenience and necessity require applicant's service to a corresponding extent on shipments moving in intrastate, interstate and foreign commerce. Notice of the application was published in the Federal Register on November 13, 1969.

A public hearing was held before Examiner Daly on January 20, 1970, at Santa Maria and the matter was submitted.

Applicant is presently authorized to transport general commodities moving in intrastate, interstate and foreign commerce between all points and places on U. S. Highway 101 and State

Highways 1 and 150 and five miles laterally thereof between Buellton and Paso Robles, on the one hand, and all points and places within the Los Angeles Territory. By the instant application it seeks authority to transport general commodities, with the usual exceptions, moving in intrastate, interstate and foreign commerce to, from and between all points and places on and along and within 10 miles laterally of U. S. Highways 101 and 101A and State Highways 1, 118, 126, 150 and 246 between Paso Robles and Cambria on the north and Santa Monica and Woodland Hills on the south, and between said points, on the one hand, and the Los Angeles Region as described in the application, on the other hand. For all practical purposes the proposed Los Angeles Region corresponds with the Los Angeles Basin Territory.

Applicant has conducted operations for many years both as a certificated and permitted carrier. It maintains terminals at Los Angeles, Santa Barbara, Oxnard, San Luis Obispo and Santa Maria. It owns and operates 354 units of equipment and as of April 30, 1969, indicated a net worth in the amount of \$410,930.

According to its president applicant presently conducts a highly specialized and expeditious operation. Service is not only overnight, but scheduled to accommodate each customer's particular transportation requirements, with pickup and delivery being made on weekends if desired. No local service is provided in the Los Angeles area, nor is any proposed. Several reasons were given for filing the instant application, the primary one being applicant's inability to provide its customers with a split delivery service at the most advantageous rates and the tendency of many businesses, including connecting interstate carriers, to

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relocate their plants and terminals in the Los Angeles Basin Area.

Five public witnesses testified in support of the application and the testimony of fourteen other individuals was stipulated. Briefly summarized, these individuals testified that they represent companies which have occasion to make and receive shipments between points within the proposed service area; that such shipments move in intrastate, interstate and foreign commerce; that they range in weight from minimum to truckload; that they have used applicant's service in the past and wish to make use of it to the extended area because of its efficient and expeditious nature; that at the present time applicant is not always able to provide a split delivery service nor is it able to accommodate accounts that have moved to new facilities in the Basin Area.

Protestants made no affirmative showing.

After consideration the Commission finds that:

1. Applicant is presently rendering a certificated service for shipments moving in intrastate, interstate and foreign commerce between points in Southern California.
2. Applicant seeks to extend its operations for the purpose of providing its customers with a more complete service.
3. Many of applicant's customers have occasion to ship to its extended area. They also have occasion to make split delivery shipments, but because of applicant's inability to service the extended area it cannot make available to such customers the more advantageous split delivery rates. Applicant's ability to provide a split delivery service to the extended area would meet a need for such customers.

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4. Many of applicant's customers have occasion to make and receive shipments moving in interstate and foreign commerce. They find it a convenience to use applicant's service for intrastate, interstate and foreign movements to the extent of applicant's existing authority and would find it a further convenience to use its service on such shipments moving to the extended area.

5. Public convenience and necessity require applicant's service on shipments moving in intrastate, interstate and foreign commerce to the extent set forth in Appendices A and B attached hereto.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Smith Transportation Co., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendices A and B 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. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-E.

- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (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.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificates of public convenience and necessity granted by Decision No. 54530 dated February 11, 1957, in Application No. 36359, and Decision No. 57340 dated September 15, 1958, in Application No. 36407, which certificates

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are revoked 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 17th day of MARCH, 1970.

William J. Lyons, Jr.
President

[Signature]

[Signature]

Vernon L. Stenger
Commissioners

Smith Transportation Co., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier for the transportation of general commodities upon and along the following routes and between the points hereinafter specified, including all intermediate points, and with the right to make lateral departures therefrom within a radius of 10 miles of said routes.

- a. Between all points and places on and along U.S. Highways Nos. 101 (Interstate No. 5) and 101-A (Interstate No. 405), State Highways Nos. 1, 23, 118, 126, 150 and 246 between the northwestern boundary of the Los Angeles Region (as described in Appendix B hereof) and Paso Robles and Cambria; and between the foregoing points and places on the one hand and the said Los Angeles Region on the other hand.

The carrier 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 Item No. 5 of Minimum Rate Tariff No. 4-B.
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 refrigerated 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. Explosives as described in and subject to the regulation of Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal.P.U.C. 6, American Trucking Associations, Inc., Agent, on the date of issue thereof.
10. Articles of extraordinary value as set forth in Section 1, Rule 780, National Motor Freight Classification No. A-10, J. Sonnenberg, Issuing Officer, on the issue date thereof.
11. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
12. Portland or similar cement either alone or in combination with lime or powdered limestone, transported on any vehicle loaded substantially to capacity with such commodities.

END OF APPENDIX A

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Los Angeles Region includes that area embraced by the following boundary:

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101 Alternate; northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 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 Los Angeles National Forest Boundary; southeasterly and easterly along the Los Angeles National Forest to the Los Angeles County Line; southerly along the Los Angeles County Line to its intersection with State Highway No. 71; southerly along State Highway No. 71 to State Highway No. 91; westerly along State Highway No. 91 to State Highway No. 55; southerly on State Highway No. 55 to the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to point of beginning.

END OF APPENDIX B

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