

Decision No. 35267

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Amended Application)
of HIGHWAY TRANSPORT, INC., a corporation,)
for (a) an in lieu certificate of public)
convenience and necessity to operate a)
highway common carrier service between)
San Francisco, San Jose, Santa Cruz,)
Hollister, Watsonville, Salinas, Pacific)
Grove, and Soledad, and intermediate)
points, and (b) for a certificate of public)
convenience and necessity to operate as a)
common carrier by motor vehicle for the)
transportation of commodities generally)
between all points on its line on the one)
hand, and Permanente on the other.)

Application
No. 24476

ORIGINAL

J. F. VIZZARD and BEROL & HANDLER,
by J. F. Vizzard, for the
applicant.

BY THE COMMISSION:

INTERIM OPINION

Highway Transport, Inc. is operating as a highway common carrier in general between San Francisco, San Jose, Santa Cruz, Gilroy, Hollister, Salinas and Monterey and intermediate points. In the above-entitled application, applicant requests the Commission to issue to it a new certificate in lieu of the operative rights under which it provides that service. It also seeks authority to extend its present operative rights to include service to and from the new industries located at Permanente in Santa Clara County. At a public hearing held before Examiner Paul evidence was introduced in support of the application dealing with the proposal to extend service to Permanente, following which that portion of the application was submitted looking toward the issuance of an interim order. The remainder of the application was continued for further hearing. No one appeared in opposition to the application.

(1)

Applicant proposes to transport general commodities. Testimony in support of the application to extend service to Permanente was offered by the manager of the National Carloading Corporation of San Francisco, the Pacific Coast manager of Merchants Shippers Association, President of Electrical Agencies, Inc. and the traffic manager of the Oakland Chamber of Commerce. As there was no opposition offered to the granting of the application it does not appear to be necessary to enter into detailed discussion of the evidence offered. Each of the witnesses referred to stated that there is a need for the proposed service. It was shown that extensive developments at Permanente are now being made by the Permanente Corporation for the manufacture of metallic magnesium essential to the National Defense Program. That development necessitates additional transportation, particularly, from the San Francisco Bay region which this applicant would be able to provide if the application should be granted. The traffic manager of the applicant stated that numerous requests have been received for service to Permanente.

After full consideration of the record thus far adduced, it appears that public convenience and necessity require the extension of applicant's operations to serve Permanente. The order will so provide.

(1) At the hearing the application was amended to exclude used household goods, office and store fixtures as defined in Item 40(a) of City Carriers Tariff No. 3, Highway Carriers Tariff No. 4 Appendix "A" of Decision No. 32325 when uncrated as defined in Item (p) thereof.

INTERIM ORDER

A public hearing thereon having been held and the Commission now being fully advised and it having been found that public convenience and necessity so require:

IT IS ORDERED that pending the final determination of the above-entitled matter a certificate of public convenience and necessity be and it hereby is granted to Highway Transport, Inc., a corporation, authorizing operations as a highway common carrier, as defined in section 2-3/4 of the Public Utilities Act, between Sunnyvale and Permanente, subject to the following conditions:

1. Highway Transport, Inc., its successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.
2. Applicant shall not transport used household goods, office and store fixtures as defined in Item 40(a) of City Carriers Tariff No. 3, Highway Carriers Tariff No. 4 Appendix "A" of Decision No. 32325 when uncrated as defined in Item (p) thereof.

IT IS FURTHER ORDERED that in the operation of a highway common carrier service pursuant to the foregoing certificate Highway Transport, Inc. shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.

2. Applicant shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 14th day of April, 1942.

Justus F. Coe
Ray H. Riley
W. B. ...
Frank C. Havens
Richard ...
COMMISSIONERS