

Decision No. 35912

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 COASTSIDE TRANSPORT CO., INC. to sell)
 and HIGHWAY TRANSPORT, INC. to purchase)
 an automobile freight line operated) Application No. 25180
 between San Francisco and Santa Cruz,)
 California.)

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In the above-entitled application, as amended, the Commission is requested to authorize Coastsides Transport Co., Inc., a corporation, to sell and transfer all its highway common carrier operative rights to Highway Transport, Inc. The latter carrier has requested authority to purchase and acquire those operative rights. It is proposed to make the transfer in accordance with an agreement, marked Exhibit "A" and attached to the application, which states that the purchase price is \$5500. No equipment is involved in the transfer.

In addition to the authority to transfer those rights the Commission is also requested to issue to Highway, in lieu ⁽¹⁾ thereof, a certificate de novo. The purpose of this request is a clarification of those rights and a restatement thereof in modern form which will remove uncertainties and ambiguities with respect to their present status.

(1) Hereinafter Coastsides Transport Co., Inc. and Highway Transport, Inc. will sometimes be referred to as Coastsides and Highway, respectively.

The highway common carrier service provided by Coastside is between San Francisco and Santa Cruz over the Coast Highway through Half Moon Bay, San Gregorio, Pescadero and other points. Diversions from that route are made from Half Moon Bay to San Mateo and from San Gregorio to Redwood City. This operation has been established pursuant to numerous decisions of the Commission heretofore issued granting the rights therefor. From the application it appears that Coastside has continuously provided service between the points involved.

Highway for many years has been providing service as a highway common carrier between San Francisco, San Jose, Santa Cruz, Watsonville, Salinas, Soledad, Monterey and other points.

The request appears to be in the public interest and will be granted. This does not appear to be a matter in which a public hearing is necessary.

O R D E R

The Commission having considered applicant's requests,

IT IS ORDERED as follows:

(1) Coastside Transport Co., Inc., a corporation, may sell and transfer to Highway Transport, Inc., a corporation, and said Highway Transport, Inc. may acquire the highway common operative rights heretofore created by the following decisions:

<u>Decision No.</u>	on	<u>Application No.</u>
11654		8252
12052		8949
12130		8963
12319		8963
13023		9320
13212		9320
15363		11593
18025		11801
18267		11801
21287		15562
22780		16718
26601		19187
30708		21820
31397		21820

- (a) The foregoing authority is granted subject to the provisions of section 52(b) of the Public Utilities Act, and further to the condition that Highway Transport, Inc., its successors or assigns, shall never claim before this Commission or any court or any other public body a value for said operative rights, or claim as a cost thereof any amount in excess of that paid for said rights by those to whom said rights were originally granted.

(2) A certificate of public convenience and necessity is hereby granted to Highway Transport, Inc., a corporation, in lieu of, and not in addition to, the operative rights referred to in paragraph (1) next hereinabove, authorizing the establishment and operation of service as a highway common carrier, as that term is defined in section 2-3/4 of the Public Utilities Act, for the transportation of property as follows:

- (a) Between San Francisco and Santa Cruz and intermediate points via Colma, Spring Valley, Half Moon Bay, Purisima, San Gregorio, Pescadero and Pigeon Point.
- (b) Between Half Moon Bay and San Mateo and intermediate points.
- (c) Between San Gregorio and Redwood City and intermediate points via La Honda and Woodside.
- (d) Within a zone extending five (5) miles laterally from the route traversed between Spring Valley and Santa Cruz, between Half Moon Bay and the western boundary of San Mateo and between San Gregorio and La Honda.

(3) The foregoing certificate is subject to the following restrictions and condition:

- (a) No property shall be transported between San Francisco and San Mateo.
- (b) No property shall be transported to or from points intermediate to San Gregorio and La Honda except those shipments originating at or destined to points beyond San Gregorio.
- (c) No property shall be transported to or from points intermediate to Redwood City and Woodside unless originating at or destined to points beyond Woodside.
- (d) Highway Transport, Inc., its successors or assigns may never claim before this Commission or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it in obtaining said operative authority.

(4) The operative rights created by the following decisions and orders supplementary thereof are hereby revoked and annulled:

<u>Decision No.</u>	on	<u>Application No.</u>
11654		8252
12052		8949
12130		8963
12319		8963
13023		9320
13212		9320
15363		11593
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(5) In the operation of highway common carrier service pursuant to the certificate herein granted to the Highway Transport, Inc. the following service regulations shall be observed:

- 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 one (1) day's notice to the Commission and the public.
- 3. Subject to the authority of this Commission to change or modify them at any time by further order Highway Transport, Inc. shall conduct said operations over and along the following routes:

Route No. 1, San Francisco - Santa Cruz

- (a) Over and along California State Highway No. 1 between San Francisco and Santa Cruz.
- (b) As an alternate route between San Francisco and Santa Cruz operations may be conducted over and along U.S. Highways 101 and 101-A between San Francisco and Sunnyvale, thence over State Highway No. 9 between Sunnyvale and Los Gatos, thence over California State Highway No. 17 between Los Gatos and Santa Cruz provided that no service may be performed on this alternate route to or from any point or points intermediate to San Francisco and Santa Cruz. This alternate route may be used only at such times as California State route No. 1 is rendered impassable because of earth slides, highway construction or reconstruction work.

Route No. 2

Over the State Highway between Half Moon Bay and San Mateo.

Route No. 3

Over San Gregorio Creek road and the main public highway between San Gregorio and Redwood City through La Honda and Woodside.

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

Dated at San Francisco, California, this 5th day of November, 1942.

Justin J. Peaceman
[Signature]
Frank C. Stevens
[Signature]
 COMMISSIONERS