

Decision No. 38466

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,)

ORIGINAL

Application No. 24475

BEROL & HANDLER and J. F. VIZZARD, for applicant.

FRANCIS X. VIEIRA, for Southern Pacific Company
and Pacific Motor Trucking Company,
interested parties.

HAROLD SEXSMITH, for Bekins Van Lines, Inc.; interested
party..

BY THE COMMISSION:

O P I N I O N

In this proceeding Highway Transport, Inc., requests the Commission to grant to it a new certificate to replace all of those which it holds authorizing highway common carrier operations. (1)

More specifically, applicant requests the Commission to authorize it to continue to use the routes delineated on Exhibit D, attached to the amended application. It also sought authority to extend its operations to serve Permanente in Santa Clara County. Evidence in regard to the need for the extension to Permanente was received at

(1) Certificates were granted to applicant by Decisions Nos. 35161 and 35912 after this matter was submitted which, therefore, cannot be here considered.

a public hearing following which an interim order was issued authorizing such extension. Further hearing was had on the remainder of the application for a new certificate to include a definition of routes to be used, and the matter was submitted.

Applicant's operations are conducted generally between San Francisco, San Jose, Gilroy, Hollister, Salinas, Soledad, Monterey, Santa Cruz and Watsonville and intermediate points. Some of the certificates held by applicant describe the routes to be used, but most of them do not.

Officials and employees of applicant gave testimony in support of its request for authority to use the routes which are delineated on Exhibit D attached to the amended application.

It was shown that use of El Camino Real between San Francisco and San Jose is less desirable than use of the paralleling Bayshore Highway because of congested traffic conditions, numerous arterial stops and densely built up residential areas, all of which tend to impede operation thereover. It was also shown that a more efficient operation could be conducted by alternate use of these two highways and the various lateral roads connecting them. It was shown that routes have been defined only between San Jose, Santa Cruz, Watsonville, Betabel and San Juan.

No opposition was offered to the granting of the application.

After full consideration of all the evidence herein, we find that public convenience and necessity require the operation of applicant over the various routes proposed and that a new certificate be issued to supersede those presently held.

Highway Transport, Inc., is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

A public hearing having been had in the above entitled proceeding, the matter submitted, the Commission being fully informed therein, and based on the finding in the foregoing opinion,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Highway Transport, Inc.; authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of property, as a unified operation, between the following points and points intermediate thereto, subject to the exceptions hereinafter noted:

Between San Francisco, South San Francisco, Mills Field, Daly City, Colma, Baden, San Bruno, Millbrae, Burlingame, San Mateo, Redwood City, Palo Alto, Mountain View, Sunnyvale, Permanente, Santa Clara and San Jose. Between Mountain View, Alviso, Agnew, and San Jose. Between San Jose, Coyote, Morgan Hill, Gilroy, San Juan, Hollister, Salinas, Spreckels, Blanco, Fort Ord, Del

Monte, Monterey, Pacific Grove, Chualar, Gonzales, and Soledad.

Between San Jose, Santa Cruz, Aptos, Seabright, Capitola, Sea Cliff, Del Mar, Camp McQuaide, Watsonville, Aromas, Chittenden, Betabel, and San Juan.

Between Watsonville, Moss Landing, Marina, Gigling, Fort Ord, Seaside and Monterey.

(2) That the certificate herein granted is subject to the following provisions:

- (a) No service may be performed to or from Los Gatos.
- (b) Fresh berries, fruits and vegetables, poultry and eggs may not be transported between Aptos and Santa Cruz and intermediate points, on the one hand, and San Francisco, on the other hand.
- (c) Fresh berries, fruits and vegetables, poultry and eggs may not be transported northbound from Aptos and Betabel and intermediate points.
- (d) No service may be provided to or from any point along routes used between Permanente and points of diversion from applicant's routes hereinafter defined.
- (e) To or from Permanente 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.

(3) That the certificate herein granted shall be in the place and stead of the certificates heretofore granted by, or acquired pursuant to, the following decisions, and such certificates are hereby revoked and annulled:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
7944	August 2, 1920	5628
8725	October 25, 1920	6110
14319	December 2, 1924	10582
7371	April 5, 1920	5272
12057	May 8, 1923	8972
15328	August 24, 1925	10938
17469	October 13, 1926	12134
18011	February 23, 1927	13404
28316	November 4, 1935	20181
33007	April 16, 1940	23199
33988	March 11, 1941	23997
35267	April 14, 1942	24476

(4) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

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 provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules 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 the Commission to change or modify them by further order, applicant shall conduct operations over and along the following routes:

Between San Francisco and San Jose over El Camino Real, Bayshore Highway and the lateral roads connecting these highways.

To and from Permanente over the main public roads diverting from El Camino Real at Mountain View, Sunnyvale, Santa Clara, or San Jose.

Between Mountain View and San Jose over State Highway 9 to Alviso, thence over unnamed road through Agnew to San Jose.

Between San Jose and Soledad over U. S. Highway 101. Between Gilroy, Hollister and San Juan, over U. S. Highway 101, State Highways 25 and 156 to the latter's junction with U. S. Highway 101. Between Salinas and Pacific Grove over the Salinas-Monterey Highway with diversion therefrom over Fort Ord Road to Richardson Gate of Fort Ord. Also diversion from Salinas-Monterey Highway southwesterly of Salinas over public highway to Spreckels, thence to U. S. Highway 101.

Over State Highway 17 between San Jose and Santa Cruz, thence over State Highway 1 to Watsonville with diversions therefrom over unnamed roads to serve Camp McQuaide and the communities of Seabright, Capitola, Sea Cliff, and Del Mar. From Watsonville to Betabel and San Juan over Chittenden Pass Road and over an unnamed public road from Watsonville southeasterly to U. S. Highway 101 north of Prunedale.

Also over the public road through Aromas connecting the last named road and Chittenden Pass Road.

Over State Highway 152 (Hecker Pass Road) between Gilroy and Watsonville. Over State Highway 1 between Watsonville and Monterey via Castroville. Over the public highway between Castroville and Salinas. Over an unnumbered public highway between its junctions with State Highway 1 about two miles south of Castroville and the Salinas-Monterey Highway approximately two miles southerly of Salinas via Blanco. Over an unnamed public road via Fort Ord from Marina to a point on the Salinas-Monterey Highway approximately four miles southerly of Salinas.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of December, 1945.

Edward C. Anderson

Frank W. C. ...

James S. ...

Howard P. ...

COMMISSIONERS