

Decision No. 50739

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
BECKMAN EXPRESS & WAREHOUSE CO., a )	
corporation, for the removal of the )	Application No. 35864
restriction. )	
)	

O P I N I O N

Applicant alleges that it is engaged as a highway common carrier in the transportation of general commodities, except uncrated used household goods, liquids in bulk and fresh fruits and vegetables, between San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Oakland, Piedmont, Alameda, San Leandro and Hayward, between San Francisco and San Francisco Territory, on the one hand, and said East Bay Cities, on the other hand, and between said East Bay Cities, on the one hand, and San Jose and intermediate points, on the other hand, pursuant to the certificate of public convenience and necessity granted it by Decision No. 46920, dated April 1, 1952, in Application No. 31797. Such certificate of public convenience and necessity contains the following restriction:

"(3) That the operating rights granted by ordering paragraph (1) and (2) herein are granted subject to the restriction that applicant shall operate only open equipment and shall not own or operate any van or closed-type equipment, provided, however, that this restriction shall not prevent applicant from using removable tops or tarpaulin to protect the freight from the weather."

Applicant seeks an order deleting such restriction so that it may own and operate van-type equipment in the performance of its highway common carrier service.

Applicant alleges that numerous of its customers ship commodities which require protection from rain and dampness; that open equipment with removable tops and tarpaulin cannot be made as secure as van equipment against rain and weather; that shipments which are subject to water damage cannot be loaded on open equipment when it is raining even when removable tops and tarpaulins are used; that the time required to adjust and fasten tarpaulins increases loading time and slows down the service.

Applicant further alleges that by reason of the foregoing its shippers have often been obliged during wet weather to divert shipments to other carriers who are able to provide van equipment with resultant inconvenience to such shippers; that the said restriction prevents it from fully serving the needs of its customers; that its customers have repeatedly requested it to provide van equipment for their shipments.

Copies of the application were served upon all competing carriers. No objection to the removal of the restriction involved has been received. Upon consideration of all the allegations set forth in the application, the Commission is of the opinion that the relief sought should be granted. A public hearing is not necessary.

O R D E R

An application having been filed and the Commission being of the opinion that it should be granted,

IT IS ORDERED:

(1) That ordering paragraph (3) of Decision No. 46920, dated April 1, 1952, in Application No. 31797 is deleted in its entirety.

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

Dated at San Francisco, California, this 3rd day of NOVEMBER, 1954.

*E. Mitchell*  
 President

*Justin J. Caldwell*

*Kenneth P. ...*

*Gene Higgins*

*Raymond ...*  
 Commissioners