

ORIGINALDecision No. 53438

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 INTER-URBAN EXPRESS CORPORATION for)
 a certificate of public convenience)
 and necessity authorizing the trans-) Application No. 35083
 portation of property between San)
 Francisco, Oakland, Livermore, and)
 San Jose and intermediate points.)

Vaughan, Paul & Lyons, by John G. Lyons, and
E. S. Waldie for Inter-Urban Express Corporation
 and Highway Transport, Inc., applicants.

O P I N I O N

Highway Transport, Inc., is a highway common carrier and warehouseman engaged in the transportation of property in California. Acting under authority of Decision No. 53097 in Application No. 37804 Highway has acquired the business of applicant.

Highway seeks an order authorizing it to conduct service as a highway common carrier for the transportation of general commodities, with the usual exceptions, between its present service points and Vallejo, Oakley, Byron, San Ramon and points in their neighborhood.

Public hearing was held before Examiner Power in San Francisco on June 7, 1956. There were no protests to this application.

It appears that applicant possesses the experience, equipment, personnel and financial resources¹ to institute and maintain the proposed operation.

¹ The finances of applicant were recently considered in Decision No. 53097, supra, dated May 22, 1956.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted.

Applicant is hereby placed on 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, such rights 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 as to the number of rights which may be given.

O R D E R

The Commission has considered the application and representations filed herein, Now Therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Highway Transport, Inc., authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes as more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.
- (b) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 16th day of July, 1956.

Ed Mitchell
 President

Justin J. Casner

Ralph J. ...

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 Commissioners

Highway Transport, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between points it is presently authorized to serve, on the one hand, and between Lafayette and Moraga via unnumbered highway, between Walnut Creek and Dublin via State Highway 21, between Concord and Byron via the Marsh Creek Road, between Antioch and Byron via State Highway 4, between Oakland and Vallejo via U. S. Highway No. 40, including Mare Island as an off-route point, and between Alamo and U. S. Highway No. 50 via Diablo over unnumbered highways, serving all intermediate points on the above-described routes and all off-route points within three miles laterally from such routes, all on the other hand, as an extension of and to be consolidated with its presently certificated operations.

Applicant 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 paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
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.

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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.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk; in tank trucks, tank trailers, tank semi-trailers 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.

Applicant shall conduct operations over and along the highways named and any other streets, roads and highways necessary or convenient for the performance of the transportation herein authorized.

End of Appendix A

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