

Decision No. 53726

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GRADY S. HEFLEY, MAYO GOLITI and)
 ROBERT GOLITI, a copartnership doing)
 business under the firm name and style)
 of HEFLEY TRUCKING COMPANY, (formerly)
 Grady S. Hefley and Al Goliti and)
 Robert Goliti, a copartnership doing)
 business under the firm name and style)
 of Hefley Trucking Company) to operate)
 a Highway Common Carrier Service.)

Application No. 37908

Orville A. Schulenberg for applicants.
C. A. Millen for Kings County Truck Lines,
 interested party.

O P I N I O N

By Decision No. 51652 dated July 5, 1955 in Application No. 36156, a certificate of public convenience and necessity was issued to Grady S. Hefley, Al Goliti and Robert Goliti, partners, authorizing them to conduct service as a highway common carrier between Fresno, San Francisco and Oakland, serving no intermediate point. Upon the request to have this operative right transferred to the present partners upon the death of Al Goliti, said right was canceled and identical rights were issued.⁽¹⁾

The present application filed April 6, 1956 as amended May 3, 1956, alleges that public convenience and necessity requires rights covering a much more extensive geographical area.

Public hearing was held in Fresno on July 24, 1956 before Examiner Rowe at which time evidence both oral and documentary was adduced and the matter submitted for decision. No one appeared in protest.

(1) Decision No. 52882 dated April 10, 1956 in Application No. 37788.

From the evidence of record it appears and the Commission finds that public convenience and necessity require that operative rights be granted as requested in this application.

The service offered is highly specialized and requires rapid pickup with a minimum of handling from warehouses, cold storage warehouses and directly from many farms and ranches. Very early morning delivery to the markets in Los Angeles, San Francisco, Stockton, San Leandro, San Jose, Gilroy and Oakland is vital to effective service. There is only one other competitive service offered by a certificated highway common carrier. This competitor received its operative rights after the filing of this application. It had notice of this application and hearing but indicated through its attorney that it did not oppose granting rights to these applicants.

Applicants have sought to be treated as applicants under the so-called policy decision. However, this application will be granted on the showing made of the present need for the service on the part of the shipping public. Applicants are found to be adequately experienced and to have sufficient equipment, personnel and financial resources to assure a successful operation.

Applicants are 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 particular routes. 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

Public hearing having been held, the Commission having considered the application and evidence and basing its decision upon the findings in the above opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Grady S. Hefley, Robert Goliti and Mayo Goliti, authorizing them 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 as more particularly set forth in Appendix A and Appendix B attached hereto and made a part hereof.

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

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to keep their books in accordance with the uniform system of accounts prescribed by the Commission, to file annual reports of their 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, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

(3) That upon acceptance of the certificate herein granted the certificate of public convenience and necessity granted by Decision No. 52882, dated April 10, 1956 in Application No. 37788 is hereby canceled and revoked.

The effective date of this decision shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4th day of September, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

Grady S. Hefley, Mayo Goliti and Robert Goliti, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport:

1. Fruit, fresh or green (not cold pack nor frozen)
Vegetables, fresh or green (not cold pack nor frozen), including mushrooms, fresh

Between points on or within 25 miles laterally of U. S. Highway 99 between Ripon and Wheeler Ridge.

2. Fruit, fresh or green (not cold pack nor frozen)
Vegetables, fresh or green (not cold pack nor frozen), including mushrooms, fresh

Between San Francisco Territory and Los Angeles Territory as described in Appendix B attached hereto, Stockton, San Leandro, San Jose and Gilroy, on the one hand, and points on U. S. Highway 99 between Ripon and Wheeler Ridge (including points 25 miles laterally of such portion of U. S. Highway 99), on the other hand.

3. Melons

Between San Francisco Territory and Los Angeles Territory as described in Appendix B attached hereto, Stockton, San Leandro, San Jose and Gilroy, on the one hand, and points on State Highway 33 between Patterson and Coalinga (including points 25 miles laterally of such portion of State Highway 33), on the other hand.

4. Tomatoes

Between San Francisco Territory and Los Angeles Territory as described in Appendix B attached hereto, Stockton, San Leandro, San Jose and Gilroy, on the one hand, and King City (including points within a ten-mile radius of King City), on the other hand.

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5. Beverages, non-alcoholic
 Boxes, fibreboard, paper, pulpboard or wooden
 Cans, Fibreboard, paper, pulpboard or sheet iron
 or steel
 Covers or protectors, plant or tree, fibreboard
 or paper
 Fertilizer, as listed under that heading in Item
 No. 550 of Pacific Southcoast Freight Bureau
 Exception Sheet No. 1-S, Cal. P.U.C. No. 193,
 J. P. Haynes, Agent, on the issue date thereof.
 Iron or steel, viz.: bars, beams, braces, brackets,
 fencing, plates, sheets or scrap
 Pipe
 Pipe fittings
 Roofing, as listed under that heading in Items
 Nos. 39340 through 39398 of Western Classifica-
 tion No. 75, Cal. P.U.C. No. 8, George H. Dumas,
 Agent, on the issue date thereof.
 Salt
 Sugar
 Sulphur
 Tanks, iron or steel
 Valves, including gate valves

From San Francisco Territory and Los Angeles Territory
 as described in Appendix B attached hereto, Newark
 and Stockton, on the one hand, to points on U. S.
 Highway 99 between Modesto and Bakersfield (in-
 cluding points 25 miles laterally of such portion of
 U. S. Highway 99), on the other hand.

The authority set forth in Paragraphs 2, 3, 4 and 5 does
 not include the right to render service from, to or between inter-
 mediate points.

Subject to the right of the Commission to alter such
 authority at any time in performing the above-described service,

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applicants are authorized to operate over and along the following routes:

- A. U. S. Highway 99 between Los Angeles and Stockton and Manteca.
- B. U. S. Highway 50 between San Francisco Territory and Stockton and Manteca.
- C. State Highways Nos. 132 and 33 between Tracy and Modesto.
- D. State Highway No. 152 between Gilroy and its junction with U. S. Highway 99.
- E. U. S. Highways 101, 101 Alternate and 101 By-Pass between King City and San Francisco.
- F. State Highway 33 between Coalinga and its junction with U. S. Highway 50.
- G. State Highway 41 between Fresno and its junction with State Highway 33.
- H. U. S. Highway 466 between its junction with State Highway 33 and Mojave.
- I. U. S. Highway 6 between Mojave and its junction with U. S. Highway 99 near Newhall.
- J. Such other public highways, streets and county roads as may be necessary to perform the service authorized by the above-numbered decision to reach points laterally of said highways or within a radius of 10 miles of King City.

End of Appendix A

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APPENDIX B TO DECISION NO. ~~52726~~

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.