

ORIGINALDecision No. 54910

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 HIGHWAY TRANSPORT, INC., a corpora-)
 tion, for authority to extend an) Application No. 38526
 operation as a highway common carrier.)

In the Matter of the Application of)
 NIELSEN FREIGHT LINES, a corporation,)
 for authority to extend an operation) Application No. 38561
 as a highway common carrier.)

Edward M. Berol for Highway Transport, Inc.
Marvin Handler and Daniel W. Baker, for
 Nielsen Freight Lines; Aaron H. Glickman,
 for Merchants Express Corporation; Jack H.
Kueper, for Kellogg Express and Draying Co.,
 protestants.
William Meinhold and Frederick E. Fuhrman,
 for Southern Pacific Co. and Pacific Motor
 Transport Co., (protests withdrawn).
Willard S. Johnson, for J. A. Christenson Co.,
 interested party.

O P I N I O N

Highway Transport, Inc., (hereinafter sometimes referred to as Highway) and Nielsen Freight Lines, (hereinafter sometimes referred to as Nielsen) presently operating as highway common carriers, request authority to extend their services to points in Marin and Napa Counties.

Public hearing was held before Examiner Thomas E. Daly at San Francisco, and the matter was submitted on March 28, 1957.

Highway is presently operating in an area from Sausalito and Vallejo, in the north, to Pacific Grove, Monterey, Soledad and Tulare, in the south. Nielsen is presently operating generally between San Francisco, East Bay points and points north of Novato to and including Willits. Each applicant proposes a daily service

with the exception of Saturdays, Sundays and holidays, and each proposes to charge the minimum rates as established by the Commission in Minimum Rate Tariff No. 2. Both applicants assert that they have received numerous requests from customers to extend their operations as herein proposed. The record indicates that both possess the necessary equipment, facilities and financial ability to conduct the proposed extended operations.

Applicants introduced the testimony of approximately twenty-five shipper witnesses representing business establishments primarily located in San Francisco. In substance they testified that they are using one applicant or the other to presently certificated points, that they desired to have such services made available to the proposed area because of the convenience of using a single carrier with wide territorial coverage or because they found the existing services inadequate due to missed pickups, delays in transit and damage or unsatisfactory experiences in the handling of claims.

The appearance of J. A. Christenson Co. in the Nielsen matter was changed to that of an interested party upon an amendment to the application excluding the transportation of commodities requiring refrigeration in equipment containing mechanical refrigeration. During the course of hearing the Southern Pacific Company and Pacific Motor Transport Company withdrew their protests to the applications and so informed the Commission by letter.

Protestant, Merchants Express Corporation made an operational showing indicating the scope of its existing certificated rights and furnished specific information as to its schedules and equipment operating to the proposed area.

After consideration the Commission is of the opinion that public convenience and necessity require the granting of the applications.

O R D E R

Applications having been filed and the Commission being informed in the premises;

IT IS ORDERED:

(1) That as an extension and enlargement of its operative rights, a certificate of public convenience and necessity is hereby granted to Highway Transport, Inc., authorizing the transportation of property between the points and over the routes set forth in Appendix A attached hereto and by reference made a part hereof.

(2) That as an extension and enlargement of its operative rights, a certificate of public convenience and necessity is hereby granted to Nielsen Freight Lines, authorizing the transportation of property between the points and over the routes as set forth in Appendix B attached hereto and by reference made a part hereof.

(3) That in providing the services herein authorized in paragraphs (1) and (2) hereof, applicants shall observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificates herein granted.
- (b) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, applicants shall establish the services herein authorized and file in triplicate and concurrently make effective appropriate tariffs.

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

Dated at San Francisco, California, this 22nd day of April, 1957.

[Signature]
President
[Signature]
[Signature]

Commissioners

Rex Hardy
Commissioner S. C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

GENERAL COMMODITIES, with the following exceptions:

- (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.
- (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 semitrailers 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.

between all points on the following routes:

- (a) U. S. Highway 101 from San Francisco northerly to its junction with highway at Atherton Avenue, which is approximately $3/4$ miles northerly of Novato; thence easterly via such highway to its junction with State Highway 37; thence easterly via State Highway 37 to its junction with State Highway 48; thence easterly via State Highway 48 to its junction with U. S. Highway 40

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at a point near the Solano County Fair Grounds north of Vallejo; serving the off-route points of Mill Valley, Corte Madera, Larkspur, Kentfield, Ross, San Anselmo, Fairfax, Sausalito, Belvedere, Tiburon, California City, McNear Beach, China Camp, Santa Venetia, Rafael Village, St. Vincents, Hamilton Field, and points intermediate thereto via any and all streets and highways directly connecting such points.

- (b) Unnumbered highway from its junction with U. S. Highway 101 near San Rafael, easterly to its junction with U. S. Highway 40 at Richmond, via the Richmond-San Rafael Bridge serving the off-route point of San Quentin.
- (c) California State Highway 37 from its junction with California State Highway 48; thence northerly to and including Napa; California State Highways 12 and 29 between Napa and Vallejo including the off-route point of State Hospital.

End of Appendix A

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- (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.
- (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 semitrailers 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.

between all points on the following routes:

- (a) U. S. Highway 101 between San Francisco and Novato including the off-route points of Mill Valley, Corte Madera, Larkspur, Kentfield, Ross, San Anselmo, Fairfax, Sausalito, Belvedere, Tiburon, California City, San Quentin, McNear Beach, China Camp, Santa Venetia, Rafael Village, St. Vincents, Hamilton Field and points intermediate thereto.

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- (b) State Highways 12 and 37 between Schellville and Napa, inclusive.
- (c) State Highways 48 and 29 between Sears Point and Napa including State Hospital.
- (d) U. S. Highway 40 and State Highway 29 between Richmond and Vallejo, inclusive.

End of Appendix B

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