

Decision No. 57913**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of DI SALVO TRUCKING CO., a cor- )  
 poration, for a certificate of )  
 public convenience and necessity )  
 to operate as a highway common )  
 carrier. )

Application No. 39986

Frank Loughran, for Di Salvo Trucking Co.,  
 applicant.

Frederick W. Mielke, for Delta Lines, Inc.;

Norman R. Moon, for Highway Transport, Inc., and  
 and Highway Transport Express; Robert W. Walker  
 and Richard K. Knowlton, by Richard K. Knowlton,  
 for Santa Fe Transportation Co. and The Atchison,  
 Topeka and Santa Fe Railway Company; Berol &  
 Silver, by Bruce R. Geernaert, for Fortier Trans-  
 portation Co., Merchants Express of California,  
 and Sacramento Freight Lines; Glanz & Russell, by  
Arthur H. Glanz, for Constructors Transport Co.,  
 California Motor Express, California Motor  
 Transport Co., Valley Express Co., Valley Motor  
 Lines, Southern California Freight Lines,  
 Southern California Freight Forwarders, Inc.,  
 Shippers Express Co., Western Truck Lines, Ltd.,  
 and Stockton Motor Express, interested parties.

O P I N I O N

Di Salvo Trucking Co., a corporation, has filed this  
 application wherein it requests a certificate of public convenience  
 and necessity to operate as a highway common carrier into certain  
 areas in the San Joaquin Valley as an extension of its existing  
 certificated authority as a highway common carrier.

Public hearings were held in this matter on September 16  
 and 17, 1958, and November 13, 1958, at San Francisco, before  
 Examiner William L. Cole. The matter was submitted on November 13,  
 1958.

At the time of the first hearing in this matter, various parties appeared and protested the granting of the application. Prior to the third day of hearing, the applicant amended its application whereupon the protestants either withdrew their protests or withdrew their protests and entered appearances as interested parties.

The applicant presently possesses certificates of public convenience and necessity to operate as a highway common carrier of general commodities, with the usual exceptions, locally between all points and places within the San Francisco-East Bay Cartage Zone. The applicant has also been issued a certificate of public convenience and necessity to transport general commodities:

- a. Between San Francisco Territory and Los Angeles Territory; and
- b. Between Stockton, Manteca, Ripon, Salida, Modesto, Ceres, Keyes, Turlock, Delhi, Livingston, Arena, Atwater, Fergus, Merced, Lingard, Athlone, Minturn, Chowchilla, Califa, Fairmead, Berenda, Madera, Borden, Herndon and Fresno and points intermediate thereto on Highway U. S. 99, on the one hand, and San Francisco Territory or Los Angeles Territory, on the other hand.

By the present application, as amended, the applicant is requesting authority to transport general commodities from the San Francisco Territory, the Los Angeles Territory, and points located on U. S. Highway 99 between Stockton and Fresno, including Stockton and Fresno, on the one hand, and all points located within 25 miles of U. S. Highway 99 between Fresno and Bakersfield, and all points located within a radius of 25 miles of Bakersfield and within a radius of 25 miles of Fresno, on the other hand. The applicant is also requesting authority to transport general commodities from the San Francisco Territory, the Los Angeles Territory, and points located on U. S. Highway 99 between Stockton and Fresno, including Stockton

and Fresno, on the one hand, and all points located on U. S. Highway 99 between Bakersfield and the Los Angeles Territory, on the other hand. The applicant requests that the authority hereinabove applied for be limited to the delivery of component parts of split delivery shipments having origin or destination in the San Francisco or Los Angeles Territories.

The applicant is requesting this authority in order that it may transport split delivery shipments, as a certificated carrier, from either San Francisco or Los Angeles having points of destination of the component parts thereof at points in the San Joaquin Valley both north and south of Fresno. At the present time, under its existing authority, the applicant, as a certificated carrier, can handle only split delivery shipments, the points of destination of the component parts of which are located at Fresno or north of Fresno. The applicant contends, in effect, that many of the shippers presently using applicant's service require a carrier who can serve the entire San Joaquin Valley with split delivery shipments and that applicant's present inability to do so puts it at a competitive disadvantage. Applicant maintains that public convenience and necessity require that it be granted the requested authority in order to better serve its existing shippers.

The applicant introduced the testimony of various public witnesses representing different types of businesses. The businesses so represented were located either in the San Francisco Territory or the Los Angeles Territory. One such witness testified that his organization shipped split delivery shipments from the Los Angeles Territory into the San Joaquin Valley area both north and south of Fresno and then into the San Francisco Territory. This witness testified that it had used various other common carriers for such shipments and had been dissatisfied with the length of time required

to deliver the various component parts of the split delivery shipments. This witness testified that it had used the applicant's service and that it would meet the convenience of his organization to have the service of the applicant throughout the area which is being sought by the application.

Another witness testified that the business he represented shipped commodities on the split delivery basis from San Francisco to various points in the San Joaquin Valley both north and south of Fresno. This witness testified that his organization used the applicant's service within the limits of applicant's present certificated authority. This witness stated that part of the commodities shipped by his organization required open trailers and that it was often difficult to get common carriers, other than applicant, to bring these trailers when needed but that applicant would always do so. The witness testified, in effect, that his organization desired to use applicant's service for all of its split delivery shipments in the San Joaquin Valley area.

A third witness testified that his organization likewise shipped into the San Joaquin Valley area, on a split delivery shipment basis, to points both north and south of Fresno. This witness testified that his organization very often would get orders in the evenings necessitating shipments into the oil field region in the lower San Joaquin Valley. The witness testified that the applicant's service was such that it was reliable with respect to having pickup trucks available early the next morning for such shipments and that other carriers are not so reliable. This witness testified that his organization would use the applicant's service if applicant were authorized to handle split delivery shipments into the lower San Joaquin Valley area and that it would be a tremendous advantage to it to have this service.

Various other witnesses testified that it would be convenient to their organizations to have applicant authorized to handle split delivery shipments into the San Joaquin Valley area and that they would use applicant's service if so authorized.

The evidence indicates that applicant has the necessary financial ability, facilities, equipment, experience, and personnel to undertake the proposed service.

After due consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of most of the authority sought. With respect to the 25-mile lateral rights requested by the applicant, the evidence in the record indicates that the farthest specific point from U. S. Highway 99 testified to as being served by the shipper witnesses, came within 20 miles of the highway. For this reason, it is the Commission's conclusion that only a 20-mile lateral should be granted.

Applicant has also requested that it be granted an in-lieu certificate consolidating all of its existing highway common carrier operating rights with the rights sought in this application. This request will be granted.

#### O R D E R

Application having been filed, public hearings having been held herein and the Commission being informed in the premises,

#### IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Di Salvo Trucking Co., authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property as set forth in Appendix A attached hereto and made a part hereof.

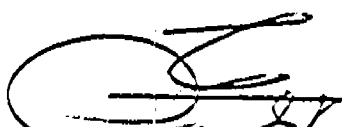
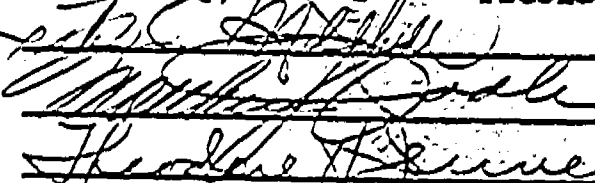
2. That in providing service pursuant to the service herein granted, Di Salvo Trucking Co. shall comply with and observe the following regulations:

- 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, amendments to its tariffs satisfactory to the Commission to reflect the authority herein granted.

3. That the operating authority granted by Decisions Nos. 51073, 52905 and 54614 is hereby revoked, such revocation to take effect concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at Los Angeles, California, this 27<sup>th</sup> day of January, 1959.

  
E. L. Fox  
 President  
  
Theodore F. Brewer  
 Commissioners

A. DiSalvo Trucking Co., a corporation, by the certificate of public convenience and necessity noted in the margin, is authorized to transport general commodities:

1. Locally between all points and places within the San Francisco-East Bay Cartage Zone, as hereinbelow described in paragraph B.

2. Between the San Francisco Territory as hereinbelow described in paragraph C, on the one hand, and the Los Angeles Territory as hereinbelow described in paragraph D, on the other hand.

3. Between the San Francisco Territory as hereinbelow described in paragraph C, or the Los Angeles Territory as hereinbelow described in paragraph D, on the one hand, and all points located on U. S. Highway 99 between Stockton and Fresno, including Stockton, Fresno and Manteca, on the other hand.

4. From the San Francisco Territory as hereinbelow described in paragraph C, the Los Angeles Territory as hereinbelow described in paragraph D, and points located on U. S. Highway 99 between Stockton and Fresno, including both Stockton and Fresno, on the one hand, and all points located within 20 miles of U. S. Highway 99 between Fresno and Bakersfield and all points located within a radius of 20 miles of Bakersfield and within a radius of 20 miles of Fresno, on the other hand.

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5. From the San Francisco Territory, as hereinbelow described in paragraph C, the Los Angeles Territory as hereinbelow described in paragraph D, and points located on U. S. Highway 99 between Stockton and Fresno, including both Stockton and Fresno, on the one hand, and all points located on U. S. Highway 99 between Bakersfield and the Los Angeles Territory as hereinbelow described in paragraph D, on the other hand.

6. The authority granted in paragraphs 4 and 5 is to be limited to the delivery of component parts of split delivery shipments having origin or destination in the San Francisco or Los Angeles Territories as hereinbelow described.

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.
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 refrigerator equipment.

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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.
8. Articles of extraordinary value.
9. Fruits, fresh or green (not cold pack or frozen).
10. Vegetables, fresh or green (not cold pack or frozen).

B. The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile West of Highway U. S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U. S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U. S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary

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line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U. S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U. S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U. S. 40; thence northerly along Highway U. S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

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C. The San Francisco Territory includes the 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 waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

D. The Los Angeles Territory includes the 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

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to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hill crest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of 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 Telegraph Road; westerly on Telegraph Road 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.

End of Appendix A

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