

ORIGINALDecision No. 59159

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Thomas A. Reilley, as Executor of the
 Estate of H. F. Reilley, doing busi-
 ness as Reilley Truck Line, for a
 Certificate of Public Convenience
 and Necessity to operate as a highway
 common carrier for the transportation
 of property.

Application No. 39407

Francis X. Vieira, for applicant.
Frederick W. Mielke, for Delta Lines, Inc., Cali-
 fornia Motor Express Ltd., Stockton Motor
 Express, Merchants Express Corp., Interlines
 Motor Express, Valley Motor Lines, Inc.,
 and Valley Express Co., protestants.
Willard S. Johnson, for Karlson Bros. Trucking
 Service, Inc., interested party.

O P I N I O N

The above numbered application was filed on September 17, 1957, by H. F. Reilley, doing business as Reilley Truck Line, requesting an extension of his certificated service as a highway common carrier. Mr. Reilley died during the course of the proceeding and his son Thomas A. Reilley, as executor of his estate was substituted as applicant herein.

Public hearing was held before Examiner Thomas E. Daly at San Francisco and Oakland and the matter was submitted on August 26, 1959.

Applicant is presently authorized to transport general commodities, with certain exceptions, between the following points:

(a) Stockton, on the one hand, and points on U.S. Highway 99 between Sacramento and Fresno, inclusive, on the other hand.

(b) Stockton, on the one hand, and points on State Highways 33 and 52 between Patterson and Los Banos, inclusive, on the other hand.

(c) San Francisco, South San Francisco, Piedmont, Oakland, Richmond, Alameda, El Cerrito, Albany, Berkeley, Emeryville, Treasure Island, San Pablo, San Leandro, Pleasanton and Livermore, on the one hand, and Stockton pickup and delivery zone limits, on the other hand; and between said points, on the one hand, and Tracy, Lyoth, Lathrop and French Camp, on the other hand.

Applicant requests authority to extend service between the following points:

San Francisco, Treasure Island, Oakland, Alameda, Emeryville, Piedmont, Berkeley, Albany, El Cerrito, Richmond, San Pablo, Pinole, San Leandro, San Lorenzo, Pleasanton, Parks Air Force Base, Livermore, Trevarno, Daly City, Baden, Bayshore, South San Francisco, San Bruno, Milbrae, Tracy, Lyoth, Banta, Lathrop, French Camp and Stockton, on the one hand, and Lodi, Woodbridge, Victor, Acampo, Galt, Elk Grove, Florin, Perkins, Sacramento, North Sacramento, West Sacramento, Broderick, Bryte, Nimbus, Carmichael, Del Paso Heights, Mills, Mather Field and Citrus, on the other hand.

Applicant has been providing a transportation and warehouse service in the City of Stockton since 1922. Certificated authority was first acquired in 1952. Applicant owns and operates approximately 50 pieces of equipment and as of July 31, 1957, indicated a net worth of \$70,039.75.

Applicant is presently operating between San Francisco Bay Area points and Stockton and seeks authority to extend service to points north of Stockton to and including points within the Sacramento area. It is asserted that applicant transports a substantial volume of intrastate traffic to, from and between the points proposed to be served as a permitted carrier.

A total of twenty-two public witnesses representing large and diversified businesses located in such points as San Francisco, Emeryville, Oakland, Albany, and San Leandro testified on behalf of

applicant. The testimony of five other witnesses was stipulated.

For the most part the witnesses testified that they are presently using applicant as a certificated carrier and would like the same type of service made available to the proposed points. They were not critical of the existing carriers but they expressed a strong desire for applicant's personalized type of service which included such features as same-day service, late pickups, cooperative drivers, minimum handling and limited damage experience due to the fact that a shipment is picked up and delivered by the same piece of equipment. Many stated that they have limited dock space and would like applicant to take more of their shipments rather than call another carrier. Several stated that the proposed extension would be advantageous to them because it would enable applicant to make split deliveries.

Exhibit No. 9 consists of an economic study showing the growth and development of Sacramento and San Joaquin Counties since 1950.

It was stipulated that protestants serve between the proposed points within the Sacramento and San Francisco Bay areas; that they maintain terminals in the major points within said areas; that they perform a regular, daily, overnight service and that special, emergency services are provided when the circumstances so warrant.

Applicant is presently operating as a certificated carrier to most of the points covered by the instant application; however, applicant is not able to provide a through service on traffic moving between the Sacramento and San Francisco Bay areas. After consideration the Commission is of the opinion that the removal of the restriction would be in the public interest for it

would permit applicant to provide his customers with a more complete service and to make better and more efficient use of his facilities and equipment. The Commission therefore finds that public convenience and necessity require the granting of the authority sought.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Thomas A. Reilley, as executor of the estate of H. F. Reilley, authorizing the transportation of property between the points and over the routes as set forth in Appendices A and B attached hereto.

(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 he will be required, among other things, to file annual reports of his 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 five days notice to the Commission and to the public, applicant shall establish the service herein authorized and shall file in triplicate, and concurrently make effective, amendments to his tariffs satisfactory to the Commission to reflect the authority herein granted.

Thomas A. Reilley, as executor of the estate of H. F. Reilley, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport general commodities between:

- (1) Stockton, on the one hand, and points on U.S. Highway 99 between Sacramento and Fresno, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Sacramento and Fresno.
- (2) Stockton, on the one hand, and points on State Highways 33 and 152 between Patterson and Los Banos, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Patterson and Los Banos.
- (3) San Francisco, South San Francisco, Piedmont, Oakland, Richmond, Alameda, El Cerrito, Albany, Berkeley, Emeryville, Treasure Island, San Pablo, San Leandro, Pleasanton and Livermore, on the one hand, and Stockton pickup and delivery zone limits, as said limits are described in Appendix B attached hereto, on the other hand, and between said points, on the one hand, and Tracy, Lyoth (U.S. Army Base), Lathrop (including Sharpe's General Depot) and French Camp, on the other hand. Such authority does not include the right to render service to, from or between intermediate points.
- (4) San Francisco, Treasure Island, Oakland, Alameda, Emeryville, Piedmont, Berkeley, Albany, El Cerrito, Richmond, San Pablo, Pinole, San Leandro, San Lorenzo, Pleasanton, Parks Air Force Base, Livermore, Trevarno Daly City, Baden, Bayshore, South San Francisco, San Bruno, Millbrae, Tracy, Lyoth, Banta, Lathrop, French Camp, Stockton, on the one hand, and Lodi, Woodbridge, Victor, Acampo, Galt, Elk Grove, Florin,

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Perkins, Sacramento, North Sacramento, West Sacramento, Broderick, Bryte, Nimbus, Carmichael, Del Paso Heights, Mills, Mather Field and Citrus, on the other hand.

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 refrigerated equipment.
- (5) Liquids, compressed gases, commodities in semiplastic 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.

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APPENDIX "B" TO DECISION NO. 59159

Stockton pickup and delivery zone limits include the area embraced by the following boundary:

All of the City of Stockton, also from the intersection of McKinley Avenue and the corporate boundary of the City of Stockton, southerly along McKinley Avenue to a point 600 feet south of Ivy Avenue and the territory bounded as follows:

Beginning at the northeasterly corner of Oak Park, thence easterly along Calaveras Avenue to West Lane, southerly along West Lane to County Road, easterly along County Road to Sanguinetti Lane, southerly along Sanguinetti Lane to Waterloo Road, northeasterly along Waterloo Road to Washington Street, southerly along Washington Street and Epstein Avenue to Linden Road, easterly along Linden Road to David Avenue, southerly along David Avenue and its prolongation to the right of way of the Southern Pacific Company (Oakdale Branch), westerly along the Southern Pacific Company right of way to Monterey Street, southerly along Monterey Street and its prolongation to Copperopolis Road, westerly along Copperopolis Road to the corporate boundary of the City of Stockton, northerly and westerly along said corporate boundary to point of beginning.

Beginning at the intersection of Moss Avenue and the corporate boundary of the City of Stockton, thence westerly along Moss Avenue to French Camp Turnpike, northerly along French Camp Turnpike to Garwood Ferry Road, westerly along Garwood Ferry Road to the San Joaquin River, northwesterly along the east bank of the San Joaquin River to the corporate boundary of the City of Stockton, easterly and southerly along said corporate boundary to point of beginning.