

Decision No. 59472

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
NIELSEN FREIGHT LINES, a corporation, )  
for extension of its highway common )  
carrier authority. }

Application No. 41300

Marvin Handler, for applicant.

O P I N I O N

Nielsen Freight Lines, a corporation, seeks authority by this application, as amended, to extend its certificate of public convenience and necessity as a highway common carrier in order to transport general commodities between the San Francisco-East Bay Cartage Zone and certain cities and points in Sonoma and Napa counties. A public hearing on this matter was held before Examiner James Mastoris at San Francisco on November 9, 1959, at which time evidence was presented and the matter was duly submitted.

Specific Authority Requested

Specific authority is requested by this proposed extension to transport general commodities, with certain exceptions, between cities in the San Francisco-East Bay Cartage Zone and the following points:

- (1) All points on California State Highway 12 between Santa Rosa and Graton.
- (2) All points on unnumbered highway between Cotati and Sebastopol via Cunningham.
- (3) All points on California State Highway 29 between Napa and Calistoga.

(4) All points on unnumbered highways between Calistoga and Santa Rosa.

(5) From Petaluma to Two Rock via unnumbered highways.

Applicant's Proposed Service

Applicant proposes to provide same-day delivery from San Francisco to all points on California State Highway 29 between Napa and Calistoga and overnight service to the remaining areas. Freight outbound from San Francisco destined for California State Highway 29 points will be transferred at Petaluma, Napa or Vallejo to local trucks for morning and afternoon delivery. Morning deliveries to these points will consist of shipments which had departed from San Francisco the preceding night. Service from points inside the territory proposed to be served to points outside will be on an overnight basis.

Shipper Evidence in Support of Application

Evidence was presented that this carrier has been operating in the general region involved in this application for many years and that recently its shippers have been requesting that its service be expanded to include the proposed territory. Shipper witnesses, representing various business organizations shipping assorted general commodities into the St. Helena-Calistoga-Sebastopol areas, testified in substance that the present common carrier service into the area to be served has been inadequate, that same-day delivery service from San Francisco to points on California State Highway 29 between Napa and Calistoga will be of significant advantage in maintaining old and obtaining new business in this growing region, and that congestion on their San Francisco loading platforms will be reduced if the same carrier performs all the Napa-Sonoma County pickups. In addition, all these witnesses preferred to use the applicant's

services because of its past dependability. Those business firms usually sending large shipments of freight into the present area served by this carrier and also into the proposed territory particularly desired the requested extension because of the split delivery advantages that would be available. Most of the shippers who testified have freight moving into the proposed area on a frequency varying from biweekly to every day.

Protests

No person or firm protested this application.

Findings

Upon consideration of all the allegations of the application and the evidence adduced at the hearing, the Commission finds and concludes that public convenience and necessity require the additional service offered by the applicant. The application will be granted. We find that there is a present and prospective need for this proposed extension, and that this carrier possesses the experience and equipment to expand its certificate and maintain the operations to be authorized. We further find that the applicant possesses the financial ability to support the proposed service and the resources to acquire such additional equipment as may be required to conduct such operations. Its terminal facilities and personnel are adequate and suitable for the purposes intended in this application.

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 modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

Appendix A to the applicant's in-lieu certificate, established in Decision No. 54207, Application No. 38486, will be amended in order to incorporate the additional authority granted in the order that follows. In order to clarify said in-lieu certificate, Appendix B, established in Decision No. 54910, Application No. 38561, will be canceled; however, the operating rights granted therein will be carried over to new Appendix A pages, to be designated as Original Pages 3, 4 and 5. Appendix A, therefore, as set forth in the following order, will encompass the entire certificate, as revised, of Nielsen Freight Lines.

O R D E R

Public hearing having been held and based on the evidence adduced therein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Nielsen Freight Lines, authorizing the establishment and operation of service as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof, but subject to the conditions and restrictions of said Appendix A. Operating rights described in Appendix B, as

established and set forth in Decision No. 54910, Application No. 38561, are hereby revoked and annulled contemporaneously with the acceptance of the above certificate and the filing of tariffs by Nielsen Freight Lines.

(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 to the public, applicant shall establish the service herein authorized and shall file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 5th day of January, 1960.

Frederick B. Bagley  
President  
Mark J. Case  
Carl J. Fox  
Theodore J. Hume  
Commissioners

A. Nielsen Freight Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the points and over the routes hereinafter set forth, provided, however, that applicant shall not transport any shipments of the following:

- a. 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.
- b. 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.
- c. 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.
- d. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
- e. 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.
- f. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- g. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- h. Logs.

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## Appendix A

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B. Nielsen Freight Lines shall have the authority to transport the commodities set forth in paragraph A of this appendix between the points and over the routes as follows:

1. Between points and places in the San Francisco-East Bay Cartage Zone, as described in Pages 4 and 5 hereof, via all highways, streets, roads, San Francisco-Oakland Bay Bridge and San Mateo Bay Bridge.

2. Between points and places located on or within three miles of the following routes:

- a. Between Novato and Willits via U.S. Highway 101 and the off-route points of West Windsor and Talmadge.
- b. Between Ignacio Junction and Santa Rosa via State Highways 12 and 37.
- c. Between Schellville and Sonoma-Napa County Line via State Highways 37 and 12.
- d. Between Schellville and Kenwood via unnumbered county highway through El Verano and Glen Ellen.
- e. Between Petaluma and Sonoma via unnumbered county highways.
- f. Between Sonoma and State Highway 37 via unnumbered county highways through Vineburg.
- g. Between Stege and Black Point Cutoff via Ridge Road.

3. Between points and places in the San Francisco-East Bay Cartage Zone, as described in Pages 4 and 5 hereof, on the one hand, and points and places described in paragraph 2 hereof, on the other hand, via the following routes:

- a. U.S. Highway 101 between San Francisco-East Bay Cartage Zone, as described in Pages 4 and 5 hereof, and Novato.

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- b. Between Richmond and San Rafael via San Rafael Bridge.
  - c. Between Richmond and junction State Highway 48 via U.S. Highway 40 or between Richmond and junction State Highway 29 via U.S. Highway 40, thence via State Highway 29 to its intersection with State Highway 48, thence via State Highway 48 between said junction and junction State Highway 37.
  - d. Via all routes described in paragraphs 1 and 2 hereof.
4. 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.
  - 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.
5. Between points and places in Napa and Sonoma counties as follows:
- a. All points on California State Highway 12 between Santa Rosa and Graton.
  - b. All points on unnumbered highway between Cotati and Sebastopol via Cunningham.
  - c. All points on California State Highway 29 between Napa and Calistoga.
  - d. All points on unnumbered highways between Calistoga and Santa Rosa.
  - e. From Petaluma to Two Rock via unnumbered highways.

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LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that 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 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 north-easterly 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.

The foregoing description includes the following points or portions

thereof:

Alameda	Elkton	Oakland Pier	San Leandro
Alameda Pier	Elmhurst	Ocean View	San Lorenzo
Albany	Emeryville	Piedmont	San Mateo
Baden	Ferry Point	Point Castro	San Pablo
Bay Farm Island	Fruitvale	Point Fleming	South San Francisco
Bayshore	Government Island	Point Isabel	Stege
Berkeley	Hayward	Point Molate	Tanforan
Bernal	Lawndale	Point Orient	Treasure Island
Brisbane	Lomita Park	Point Potrero	Union Park
Broadway	Melrose	Point Richmond	Visitation
Burlingame	Millbrae	Point San Pablo	Westlake
Camp Knight	Mills Field	Richmond	Winehaven
Castro Valley	Mt. Eden	Russell City	Yerba Buena Island
Colma	Oakland	San Bruno	
Daly City	Oakland Municipal	San Francisco	
East Oakland	Airport	San Francisco Inter-	
El Cerrito		national Airport	

MAP SHOWING

LIMITS OF SAN FRANCISCO - EAST BAY CARTAGE ZONE

