

ORIGINAL

Decision No. 59700

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Al Scannavino, an individual doing)
 business as AL SCANNAVINO TRUCKING)
 CO., for a certificate of public) Application No. 41549
 convenience and necessity to operate)
 as a highway common carrier for the)
 transportation of property.)

Alan Short, for applicant.
Ray L. Harris, for Delta Lines, Inc., protestant.
Francis X. Vieira, for Rielly Truck Lines,
 interested party.

O P I N I O N

Al Scannavino, doing business as Al Scannavino Trucking Co., requests authority to operate as a highway common carrier for the transportation of general commodities, with certain exceptions, between the following points on an "on-call" basis:

- a. Between all points and places via all routes within the counties of Sacramento, San Joaquin, Stanislaus and Contra Costa;
- b. Between the San Francisco Territory, on the one hand, and all points and places within the counties of Sacramento, San Joaquin, Stanislaus, Contra Costa and the City of Cloverdale, on the other hand.

A public hearing was held before Examiner Thomas E. Daly on January 14, 1960, at Stockton.

Applicant presently conducts an extensive permitted operation as a highway contract carrier, radial highway common carrier and city carrier. He owns and operates 100 pieces of equipment and owns and maintains a seven-acre terminal in Stockton. As of December 31, 1958, he indicated a net worth of \$158,141.75, and for the year 1958 showed a net profit of \$95,019.63.

If the authority sought is granted, applicant proposes to establish a terminal in the Hayward area. Shipments picked up in the Bay area would be worked through the Hayward terminal. Shipments destined to the Sacramento or Modesto areas, for example, would be loaded in separate vans and transported to the Stockton terminal by a single tractor. At Stockton each van would be transported to its destination area and deliveries made therefrom. Shipments moving in the reverse direction would be handled in a similar fashion through the Stockton terminal.

Applicant proposes to have dispatchers located at strategic points for the purpose of receiving calls and dispatching radio equipped pickup units. The proposed rates would be the same as those applicable in Minimum Rate Tariff No. 2.

Six public witnesses testified and the testimony of eight others was stipulated. They represented large and diversified businesses, such as United Vintners, Inc., Western California Carriers, Inc., Campbell Soup Co., United States Products Corp., Ltd., United Grocers, Ltd., Canada Dry and Nesbitt Bottling Co. Each stated that his company ships to numerous points within the proposed area; that his company makes use of applicant as a permitted carrier; and that if the proposed service were authorized his company would make use of such service in addition to the use of other certificated carriers.

Exhibit No. 4 indicates that the industrial expansion within the counties covered by this application increased tremendously each year during the period considered from 1946 to 1957. In 1946 the industrial growth including new plants and expansions totaled approximately \$155,567,700. In 1957 the amount totaled approximately \$274,741,226.

No affirmative showing was made by the other appearances in this proceeding.

After consideration the Commission is of the opinion and finds as follows:

1. That applicant is a reputable carrier with long experience as a permitted carrier;
2. That applicant has the equipment and necessary financial ability to conduct the proposed operations;
3. That public convenience and necessity require the granting of the authority sought.

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.

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 Al Scannavino authorizing the transportation of property as a highway common carrier between the points and over the routes as set forth in Appendices A and B attached hereto and made a part hereof.

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 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 ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and 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 13th day of FEBRUARY, 1960.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners
[Signature]

Commissioner..Everett..C..McKeage.., being necessarily absent, did not participate in the disposition of this proceeding.

Al Scannavino, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities excepting:

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, 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.
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.

Issued by California Public Utilities Commission.

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Appendix A

AL SCANNAVINO, DBA
AL SCANNAVINO TRUCKING CO.

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TERRITORY

1. Between all points and places via all routes in the counties of Sacramento, San Joaquin, Stanislaus and Contra Costa.
2. Between the San Francisco Territory as defined in Appendix B attached hereto, on the one hand, and all points and places in the counties of San Joaquin, Stanislaus, Contra Costa and the City of Cloverdale, on the other hand, using all available routes between said points.

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SAN FRANCISCO TERRITORY includes all the City of San Jose and 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 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; north-easterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 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 40 (San Pablo Avenue); northerly along U.S. Highway 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.