

Decision No. 59769**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SHEEDY DRAYAGE CO., a corporation, )  
 for a certificate of public conven- )  
 ience and necessity to operate as a )  
 highway common carrier for the )  
 transportation of property. )

Application No. 41264

Berol and Silver by Edward M. Berol  
 and Bruce R. Geernaert, for  
 applicant.

O P I N I O N

Applicant filed this application on June 30, 1959, and amended it on July 17 of that year. Public hearing was held before Examiner John Power at San Francisco on November 16, 1959, and the matter was submitted.

Sheedy Drayage Co. has two certificates at the present time. The first authorizes transportation of general commodities within the San Francisco-East Bay Cartage Zone. The second authorizes the transportation of limited commodities within the San Francisco Territory and between San Francisco, South San Francisco and Alameda, on the one hand, and Pittsburg, Stockton and Sacramento, on the other hand. By the instant application it seeks to extend the limited commodity authority to virtually the entire state north of U. S. Highway 466 and San Luis Obispo. Applicant also wishes to add property used in constructing pipelines, roads, dams, bridges, mining and power and compressor plants to its present list of commodities. That list now includes many metals, electrical appliances, machinery, salt, sugar, magnesite and dolomite among other things.

Applicant is a large hauler of metal, of heavy machinery and particularly fabricated articles of various kinds. Its services often involve not only transportation but other services such as those rendered by millwrights, hoisting and the like. Applicant's equipment is adapted and its personnel, both working and supervisory, well trained for and experienced in the work they do.

Applicant's finances are adequate for the authority sought. There was no protest to the application. Applicant called 14 public witnesses and had made arrangements to call 17 more on a scheduled second hearing day. In view of the absence of active protest, this second day of hearing was eliminated and these 17 witnesses were not called. However, their names, the names of their firms and the source of their shipments were placed on the record. The testimony was more than sufficient to establish a public need for the services offered by Sheedy Drayage Co.

The Commission finds that public convenience and necessity require that the application, as amended, and further amended at the hearing, be granted.

Sheedy Drayage Co. 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 and 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.

Public hearings having been held and based upon the evidence adduced therein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Sheedy Drayage Co., a corporation, authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes particularly set forth in Appendix A 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 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, tariffs satisfactory to the Commission.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes the existing certificate of public convenience and necessity heretofore granted to Sheedy Drayage Co. by Decision No. 55518 in Application No. 36011 which certificate is hereby canceled and revoked, said

revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof, provided however, that nothing in this order shall be construed as having revoked the authority granted to applicant by Decision No. 51000, dated January 18, 1955 in Application No. 35172.

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

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

[Signature]  
 President

[Signature]

[Signature]

[Signature]

[Signature]  
 Commissioners

Sheedy Drayage Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. ALLOYS, as listed under that heading in Items Nos. 5080 through 5340 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
2. ALUMINUM, as listed under that heading in Items Nos. 5370 through 5870 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
3. BRASS, BRONZE or COPPER, as listed under that heading in Items Nos. 14700 through 15090 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
4. CLAYS, CONCENTRATES, EARTHS or ORES, as listed under that heading in Items Nos. 27055 through 27550 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
5. ELECTRICAL APPLIANCES or EQUIPMENT, or PARTS NAMED, as listed under that heading in Items Nos. 34020 through 35430 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
6. IRON or STEEL, as listed under that heading in Items Nos. 53610 through 55460 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
7. LEAD, as listed under that heading in Items Nos. 56140 through 56430 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
8. MACHINERY or MACHINES, or PARTS NAMED as listed under that heading in Items Nos. 58470 through 67391 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer,
9. MAGNESIUM METAL or MAGNESIUM METAL ALLOY, as listed under that heading in Items Nos. 67430 through 67580 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

Issued by California Public Utilities Commission.

Decision No. 59769, Application No. 41264.

10. METALS or ALLOYS not named in other more specific groups, as listed under that heading in Items Nos. 68110 through 68790 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
11. TIN, as listed under that heading in Items Nos. 89670 through 89750 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
12. ZINC or ZINC ALLOY, as listed under that heading in Items Nos. 98250 through 98540 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
13. Property necessary or incidental to the establishment, maintenance or dismantling of pipelines when consigned to or from an owner or person entitled to possession of, or contractor employed on a pipeline.
14. Material and equipment used in the construction of roads, dams, bridges, and in mining when consigned to or from an owner or person entitled to possession of, or contractor employed on a road, bridge, dam or mine.
15. Material and equipment used in the construction of, and destined to power and compressor plants when consigned to or from an owner or person entitled to possession of, or contractor employed on a power or compressor plant.
16. MISCELLANEOUS COMMODITIES, viz.:
  - Containers, empty, returning or to be returned
  - Dolomite, crude or roasted
  - Magnesite, crude, calcined or dead burned
  - Malt
  - Pallets, platforms or skids, for lift trucks
  - Salt
  - Sugar
  - Tires, pneumatic, rubber
  - Tubes, tire, rubber.

Issued by California Public Utilities Commission.

Decision No. 59769, Application No. 41264.

BETWEEN the points over and along:

U. S. Highway 101 and U. S. Highway 101 By-Pass between Oregon-California State Line and San Luis Obispo.

U. S. Highway 99, 99-E and 99-W between Oregon-California State Line and Bakersfield (subject to Exception No. 1).

U. S. Highway 299 between Redding and Alturas, California, (subject to Exception No. 1).

U. S. Highway 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville.

State Highway 36 between Junction 99-E near Red Bluff, California and Junction U. S. Highway 395 at Johnstonville.

State Highway 20 between Marysville, California and Junction U. S. Highway 40.

U. S. Highway 40 between San Francisco and California-Nevada State Lines.

U. S. Highway 50 between Sacramento, California and California-Nevada State Line.

U. S. Highway 466 between Bakersfield and the California-Nevada State Line.

U. S. Highway 395 between its junctions with California-Nevada State Boundary Line near Topaz Lake and U. S. Highway 466 near Kramer.

NOTE: This portion of U. S. Highway 395 is included solely for the definition of lateral rights and does not authorize service to any point located on the indicated portion of Highway 395 itself.

State Highway 127 between Baker and Death Valley Junction.

Servicing all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of such routes.

Issued by California Public Utilities Commission.

Decision No. 59769, Application No. 41264.