

ORIGINALDecision No. 59825

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CALLISON TRUCK LINES, INC., a
 corporation, for a Certificate of
 Public Convenience and Necessity
 to extend operations as a highway
 common carrier for the transportation
 of property.

Application No. 41397

Berol & Silver, by Edward M. Berol, for Callison
 Truck Lines, Inc., applicant.
E. H. Griffiths, for Bay Freight Lines, interested
 party.

O P I N I O N

Callison Truck Lines, Inc., is a highway common carrier authorized to transport general commodities, with limited exceptions, between Laytonville and Crescent City, and these points, on the one hand, and, on the other hand, various points in the San Francisco Bay area. Callison seeks herein authority to extend the territorial area which it may serve as a highway common carrier to include lateral rights from U. S. Highway 101 between Laytonville and Crescent City and to expand its rights in the San Francisco Bay area to include the San Francisco Territory.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis on January 8, 1960, at San Francisco.

The evidence of record discloses that Callison has 5 terminals and 132 pieces of operating equipment. It has 120 regular employees. Callison's operating revenues for the first ten months of 1959 were \$1,408,770. It had a total unappropriated surplus of \$94,783 as of October 31, 1959. The Commission finds that Callison.

has the ability, including financial ability, to conduct the operations for which authority is herein sought.

Callison seeks authority to serve between all points located within the San Francisco Territory, on the one hand, and, on the other hand, all points which it is presently authorized to serve. Callison is not seeking authority to serve between points within the San Francisco Territory.

Callison now has the authority to transport general commodities, with limited exceptions, between San Francisco, Daly City, Colma, South San Francisco, Richmond, Berkeley, Emeryville, Oakland, Alameda and San Leandro, on the one hand, and, on the other hand, various points and places north of San Francisco on U. S. Highway No. 101 and certain off-route points.

The record indicates that Callison normally gives overnight service throughout its system. Many of Callison's customers have in recent years moved from the named points in the San Francisco Bay area which it is authorized to serve to nearby points which Callison does not have authority to serve. These customers like the service rendered by Callison on shipments destined to points located on U. S. Highway No. 101 between Laytonville and Crescent City. In order to obtain this service it has been necessary for these shippers to tender their freight to a local carrier which interlines with Callison, thereby causing a one-day delay in transit, or to drop off shipments at Callison's terminal in San Francisco or Oakland. This situation would be eliminated if Callison is granted authority to originate traffic in the San Francisco Territory.

Callison also seeks authority herein to serve between the San Francisco Territory, on the one hand, and all points and places located laterally within 10 miles of U. S. Highway No. 101 between Laytonville and Crescent City, on the other hand.

The record shows that there are numerous lumber mills located in the area for which Callison seeks lateral operating authority. Except for a few isolated points, no highway common carrier is presently operating in this area. In order to receive freight, it is now necessary for the mills located in this lateral area off of U. S. Highway No. 101 to pick it up at common carrier terminals in cities on the highway or to arrange for such a pickup by a highway contract carrier.

Based upon the foregoing evidence, the Commission finds that public convenience and necessity require the granting of additional operating rights to Callison.

In order to avoid confusion among the shipping public and assist the Commission in its regulatory functions, the additional operating authority herein granted and Callison's existing certificate of public convenience and necessity will be consolidated.

Callison Truck Lines, Inc., 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

A public hearing having been held, and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Callison Truck Lines, Inc., a corporation, authorizing the transportation of property as a highway common carrier as defined by Section 213 of the Public Utilities Code, between the points and over the routes as set forth in Appendix A and Appendix B, attached hereto and made a part hereof.

2. 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 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 all existing certificates of public convenience and necessity heretofore granted to or acquired by Callison Truck Lines, Inc., which certificates are hereby cancelled and revoked, said revocation to become effective

concurrently with the effective date of the tariff filings required by paragraph 2, subparagraph (b), hereof.

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

Dated at San Francisco, California, this 22nd day of March, 1960.

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

1. Callison Truck Lines, Inc., a corporation, 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. 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.
- b. 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.
- c. Articles of unusual value.
- d. 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.

2. Callison Truck Lines, Inc., shall have the authority to transport the commodities set forth in paragraph 1 of this appendix between the points and over the routes as follows:

- a. Between Crescent City, on the one hand, and all points located on U. S. Highway No. 101 between and including Laytonville, on the other hand, including also all points located laterally within ten miles of each side of U. S. Highway No. 101 between Crescent City and Laytonville.
- b. Between all points and places enumerated in subparagraph a of this paragraph, on the one hand, and, on the other hand, the San Francisco Territory as more particularly delineated and described in Appendix B attached hereto.

Issued by the California Public Utilities Commission.

Decision No. 59825, Application No. 41397.

3.(a) Callison Truck Lines, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport dormant nursery stock, potted plants and cut flowers between McKinleyville and Eureka and points within three miles of Eureka, on the one hand, and, on the other hand, Santa Rosa and San Jose and intermediate points via Napa, Vallejo, Oakland, Hayward, Petaluma and San Francisco.

(b) Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Over U. S. Highway No. 101 between McKinleyville and San Jose; over Bayshore Highway and El Camino Real between San Francisco and San Jose; and over State Highway 12 between Santa Rosa and Napa; over State Highway 29 between Napa and Vallejo; over U. S. Highway No. 40 between Vallejo and Oakland; and over U. S. Alternate Highway No. 101 and State Highways 17 and 21 between Oakland and San Jose; over U. S. Highways Nos. 40 and 50 between Oakland and San Francisco; and over the public highway and San Mateo toll bridge between Hayward and San Mateo.

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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; southwestly 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; southwestly 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.