

Decision No. 60077**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MORRIS DRAYING COMPANY, a corporation,
 for an expansion and restatement of
 its certificate of public convenience
 and necessity authorizing highway
 common carrier service.

Application No. 41777

Daniel W. Baker for applicantO P I N I O N

Morris Draying Company has engaged in the trucking business for many years. In 1954 it received from this Commission a certificate of public convenience and necessity authorizing transportation of canned goods, in shipments of not less than 20,000 pounds, and machinery, lift trucks, tin and glass containers, caps and lids, labels, fibre and shook, in shipments of not less than 4,000 pounds generally between Gridley, Marysville, Yuba City, Sacramento, Woodland, Escalon, Modesto, Tracy, Stockton, Watsonville, San Jose and certain intermediate points, and San Francisco Bay points. In 1955, operative rights were granted to carry general commodities between points in the San Francisco-East Bay Cartage Zone.

By this application filed December 21, 1959, operative rights are sought to include the present service and in addition applicant wishes to serve along U. S. Highway 99 east and west as far north as Redding and to serve west and south to Monterey and east and south to Kingsburg on U. S. Highway 99 in the San Joaquin Valley, and between the latter points along State Highways 33, 152, 132, 140, and 180. Applicant also asks for authority to modify the description

of the exceptions to the commodities it may carry and to remove the requirements as to the minimum amounts it may transport.

Public hearing was held in Oakland on March 30, 1960, before Examiner Rowe. Applicant's competitors were notified of the application and of the hearing. No one appeared in protest. Evidence of the need for the requested modifications and extensions of service consisting of the testimony of seven witnesses was adduced in oral and documentary form. The matter was submitted as of April 1, 1960, with the right given to applicant to reduce to written form its Exhibit No. 10, the substance of the anticipated testimony of many additional public witnesses.

The Commission finds that public convenience and necessity require that applicant be authorized to render highway common carrier service between the points and along the routes as requested and as hereinafter set forth.

O R D E R

Application having been filed, a public hearing having been held, the Commission being fully advised in the premises, and the matter being under submission,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Morris Draying Company authorizing it to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities with the exceptions, and between the points and places, and over the routes stated and set forth in Appendix A attached hereto and by reference made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, applicant Morris Draying Company 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 and insurance requirements of the Commission's General Order No. 100-A. 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 Orders Nos. 99 and 100-A, 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) That the highway common carrier operative rights granted by Decision No. 50105, dated June 1, 1954, in Application No. 34791 and by Decision No. 51020, dated January 25, 1955, in Application No. 35357 are revoked, said revocation to become effective

concurrently with the effective date of the tariff filings required by paragraph (2) b. of this order. ✓

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

Dated at San Francisco, California,
this 9th day of May, 1960.

E. L. G. O'Leary
President
John E. H. H. H. H. H.
W. H. H. H. H. H.
E. L. H. H. H.
Theodore H. H. H.
Commissioners

Morris Draying Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities with the exceptions hereinafter set forth, between all points on or within 20 miles of the following routes:

1. U. S. Highways 101 and 101 By-Pass between San Francisco and Salinas, inclusive, and the off-route point of Hollister;
2. Unnumbered State Highway between Salinas and Monterey, inclusive;
3. State Highway 1 between Watsonville and Monterey, inclusive;
4. U. S. Highways 99, 99-E and 99-W between Redding and Kingsburg, inclusive;
5. State Highway 20 between Williams and Marysville, inclusive;
6. U. S. Highway 40 between San Francisco and Sacramento, inclusive;
7. U. S. Highway 40-A between Davis Junction and Oroville, inclusive;
8. U. S. Highway 50 between San Francisco and Stockton, inclusive;
9. State Highway 12 between junction with U. S. Highway 40 near Fairfield, and U. S. Highway 99, near Lodi;

Issued by California Public Utilities Commission.

Decision No. 60077, Application No. 41777.

APPENDIX A

MORRIS DRAYING COMPANY
a corporation

Original Page 2

10. State Highway 24 between Oakland and Oroville, inclusive;
11. State Highway 4 between its intersection with U. S. Highway 40, near Pinole, and Stockton, inclusive;
12. State Highway 33 between its intersection with U. S. Highway 50, near Tracy, and junction with State Highway 180, near Mendota, inclusive;
13. State Highway 180 between junction with State Highway 33 and Fresno, inclusive;
14. State Highway 152 between Watsonville and U. S. Highway 99, near Califa, inclusive;
15. State Highway 132 between Vernalis and Modesto, inclusive and
16. State Highway 140 between Gustine and Merced, inclusive.

Applicant shall not transport any shipments of:

- (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.

Issued by California Public Utilities Commission.

Decision No. 60077, Application No. 41777.

APPENDIX A

MORRIS DRAYING COMPANY
a corporation

Original Page 3

- (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 refrigerated equipment.
- (e) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers 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.

(End of Appendix A)

Issued by the California Public Utilities Commission.

Decision No. 60077, Application No. 41777.