

ORIGINAL

Decision No. 60115

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 J. CHRISTENSON CO., a corporation  
 for an in-lieu certificate of public  
 convenience and necessity authorizing  
 highway common carrier service between  
 various points in California.

Application No. 41288  
 (Amended)

Willard S. Johnson, for applicant.  
Peart, Baraty and Hassard, Gus L. Baraty and  
James T. Jensen, for Atchison, Topeka and Santa Fe  
 Railway Co. and Santa Fe Transportation Co.,  
 protestants.  
 Handler and Baker, by Marvin Handler, for Nielsen  
 Freight Lines and Antoni Truck Lines, protestants.

O P I N I O N

Applicant commenced this proceeding on July 8, 1959 and amended the application on February 1, 1960. Public hearings were held before Examiner John Power in San Francisco. The matter was submitted (with the understanding that the amendment above referred to would be filed) on January 19, 1960 and is now ready for decision.

Applicant, an extensive hauler of refrigerated commodities, has operating rights that extend from Geyserville on U. S. Highway 101 and Project City (i.e., Shasta Lake) on U. S. Highway 99 to Los Angeles Basin Territory. These rights cover the intervening territory quite completely.

Applicant seeks territorial extensions to San Diego and Vandenberg Air Force Base. It also seeks to convert from limited to general commodities. Protests were entered by two carriers who serve the Redwood Empire area and a railroad and its truck affiliate. The two Redwood Empire carriers withdrew when applicant agreed to

maintain its commodity restrictions north of Novato.

Applicant uses four terminals owned by an affiliate and four leased from outsiders. It also lists three other terminals which apparently are actually agency stations. The fleet is adequate. The Company has been in business for more than forty years. Its finances are in good order. It appears that applicant can successfully perform the increased duties that it here seeks to assume.

The applicant presented a number of public witnesses. These witnesses all have headquarters in Northern California but many ship from other points. They were familiar with the service and wish to make more extensive use of it. They have found the restrictions on commodities to be unduly restrictive, and would like to see them removed. Several had, as their main item, a food product which applicant can carry, but occasionally ship machinery, machine parts and other metal items it is not authorized to carry.

The Commission finds that public convenience and necessity require that the authority sought, as restricted by the amendment to the application, should be granted.

Applicant is 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

Public hearings having been held and based upon the evidence adduced therein and the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to J. Christenson 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 as more particularly set forth in Appendices A, B, C, and D 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 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 to 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 operating authority now possessed by J. Christenson Co., a corporation, under and by virtue of Decision No. 57085, dated July 29, 1956, in Application No. 39813 is hereby revoked. Said revocation shall take effect simultaneously with the institution of service under the authority herein granted.

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

Dated at Los Angeles, California,  
this 17th day of May, 1960.

*Christenson*  
President

*E. J. Jenner*

*E. J. Jenner*

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Commissioners

Matthew J. Dooley

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.

J. Christenson Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between:

- A. All points in the following territories, subject to the restriction hereinafter set forth:

San Francisco Territory as described in Appendix B hereto attached.

Los Angeles Basin Territory as described in Appendix C hereto attached.

- B. The points and places designated in Paragraph A, on the one hand, and, on the other hand, all points on or within five miles laterally of the following highways and roads (subject to restriction hereinafter set forth):

- (1) U.S. Highways 101 and 101-A between Geyserville and the Ventura-Los Angeles County boundary.
- (2) U.S. Highways 99 and 99-W between Project City and San Fernando.
- (3) U.S. Highway 99-E between Red Bluff and Roseville.
- (4) Unnumbered road between Redding and Summit City.
- (5) Unnumbered road between Project City and Summit City.
- (6) Unnumbered road between Chico and Stirling City, via Paradise.
- (7) State Highway 32 between Orland and Chico.
- (8) State Highway 24 between Oakland and Oroville.
- (9) State Highway 20 between Williams and Nevada City.
- (10) State Highway 49 between Auburn and Grass Valley.
- (11) Unnumbered road between Junction with U.S. Highway 99-E and Marysville Army Cantonment, Camp Beale, California.
- (12) Unnumbered road between Junction with U.S. Highway 99-E (Oroville Wye) and Oroville.
- (13) State Highway 45 between Knights Landing and Hamilton City.
- (14) State Highway 128 between Geyserville and Calistoga and between Winters and Davis.
- (15) State Highway 29 between Calistoga and Vallejo.

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- (16) Unnumbered road between Calistoga and Fulton.
- (17) Unnumbered road between Bodega Bay and Sebastopol, via Freestone.
- (18) Unnumbered road between Bodega Bay and Petaluma, via Valley Ford and Bloomfield.
- (19) State Highway 12 between Sebastopol and Lodi.
- (20) State Highway 37 between Ignacio and Napa.
- (21) State Highway 48 between Sears Point and Vallejo.
- (22) Richmond-San Rafael Bridge between San Rafael and Richmond.
- (23) Unnumbered road between Vallejo and Benicia.
- (24) Unnumbered road between Vacaville and Zamora.
- (25) Unnumbered road between Sacramento and Marysville, via Rio Linda, Elverta, and Trowbridge.
- (26) State Highway 16 between Woodland and Sacramento.
- (27) U.S. Highway 40 between San Francisco and Colfax.
- (28) Unnumbered road between Colfax and Grass Valley, via Buena Vista.
- (29) State Highway 4 between Junction with U.S. Highway 40 near Pinole and Stockton.
- (30) Unnumbered road commonly known as "Marsh Creek Road", between Concord and Byron.
- (31) State Highway 21 between Cordelia and Junction with State Highway 17 near Warm Springs.
- (32) Unnumbered road between Byron and Tracy.
- (33) U. S. Highway 50 between San Francisco and Folsom.
- (34) San Mateo Bridge between San Mateo and Mt. Eden.
- (35) Unnumbered road between Centerville and Livermore, via Niles, Sunol and Pleasanton.
- (36) State Highway 17 between Oakland and Santa Cruz.
- (37) Unnumbered road between Stockton and Sacramento, via Thornton and Franklin.
- (38) State Highway 9 between Santa Cruz and Sunnyvale.
- (39) Unnumbered road between Boulder Creek and Big Basin.
- (40) State Highway 9 between Warm Springs and Hayward.
- (41) Unnumbered road between Watsonville and Aptos, via Freedom.
- (42) Unnumbered road between Monterey and Salinas.
- (43) Unnumbered road (Chittenden Pass) between Watsonville and Junction U.S. Highway 101.

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- (44) State Highway 1 between Santa Cruz and Monterey-Pacific Grove.
- (45) State Highway 156 between Hollister and Junction with U.S. Highway 101.
- (46) State Highway 25 between Gilroy and Hollister.
- (47) State Highway 152 between Watsonville and Califa.
- (48) State Highway 33 between Junction with U.S. Highway 50 and Maricopa.
- (49) State Highway 120 between Junction with U.S. Highway 50 and Escalon.
- (50) Unnumbered road between Escalon and Oakdale.
- (51) Unnumbered road between Escalon and Riverbank.
- (52) Unnumbered road between Salida and Oakdale, via Riverbank.
- (53) State Highway 132 between Vernalis and Modesto.
- (54) State Highway 140 between Gustine and Merced.
- (55) State Highway 180 between Mendota and Centerville (Fresno County).
- (56) Unnumbered road between Centerville and Sanger.
- (57) Unnumbered road between intersection with U.S. Highway 99 (Biola Junction) and Clovis; thence south on an unnumbered road to intersection with State Highway 180 approximately 5 miles east of Fresno.
- (58) Unnumbered road between Selma and Reedley.
- (59) State Highway 41 between Fresno and Lemoore.
- (60) State Highway 198 between Junction with State Highway 33, near Coalinga, and Junction with State Highway 65, near Exeter.
- (61) State Highway 65 between Junction with State Highway 198 near Exeter and Porterville.
- (62) Unnumbered road between Tulare and Lindsay.
- (63) Unnumbered road between Sanger and Kingsburg.
- (64) Unnumbered road between Minkler and intersection with State Highway 198 near Goshen Junction, via Reedley and Dinuba.
- (65) Unnumbered road between Porterville and Tipton.
- (66) Unnumbered road between its intersection with U.S. Highway 99 approximately 3 miles south of Tipton, and its intersection with unnumbered road commonly known as Central Valley Highway, approximately 9 miles south of Corcoran.
- (67) Unnumbered road commonly known as Central Valley Highway, between Hanford and its intersection with California Highway 178 near Rosedale, via Corcoran and Wasco.

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- (68) State Highway 178 between Bakersfield and McKittrick.
- (69) State Highway 399 between Taft and its intersection with U.S. Highway 99 at Greenfield.
- (70) U.S. Highway 466 between Morro Bay and Famosa.
- (71) State Highway 41 between Paso Robles and Shandon.
- (72) State Highway 1 between San Luis Obispo and Morro Bay.
- (73) State Highway 166 between Maricopa and Intersection with U.S. Highway 99.
- (74) State Highway 126 between Ventura and Castaic Junction.
- (75) State Highway 118 between Ventura and San Fernando.
- (76) State Highway 1 between Pismo Beach and Las Cruces.
- (77) U.S. Highway 101 between Los Angeles and San Ysidro.
- (78) U.S. Highway 395 between Riverside and San Diego.

- C. Locally, between all points and places on or within five miles laterally of the highways and roads embraced in subparagraphs (1) through (78) above, subject to restriction hereinafter set forth:

NOTE 1: Applicant may serve between all points included in Paragraphs A, B, and C above or any of said paragraphs, subject to Restriction hereinafter set forth.

NOTE 2: Applicant may use any and all streets, roads, highways, toll roads, and toll bridges necessary or convenient to the performance of the transportation herein authorized.

Applicant shall not transport any shipments of:

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.

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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. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Logs.

RESTRICTION: Between points and places in San Francisco-East Bay Cartage Zone, as described on Appendix D here-to attached, on the one hand, and points and places in Marin, Sonoma and Napa Counties north of Novato, on the other hand, applicant's authority shall be restricted to the transportation of:

1. Shipments, straight or mixed, of the following commodities:

FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39410 through 41150 of Western Classification No. 76.

MEATS, COOKED, CURED, FRESH OR PRESERVED; LARD, LARD SUBSTITUTES; RENDERED PORK FATS, OR DRESSED POULTRY, as listed under that heading in Items Nos. 67780 through 68030 of Western Classification No. 76.

STARCE, as listed under that heading in Items Nos. 87755 through 87780 of Western Classification No. 76.

FRUITS AND VEGETABLES, FRESH, as listed under that heading in Items Nos. 41815 through 42220 of Western Classification No. 76.

BAKERY GOODS, as listed under that heading in Items Nos. 9745 through 9820 of Western Classification No. 76.

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CANDY OR CONFECTIONERY, as listed under that heading in Items Nos. 20050 through 20200 of Western Classification No. 76.

CASINGS, as listed under that heading in Items Nos. 21360 through 21400 of Western Classification No. 76.

COCOANUTS AND COCOANUT MILK.

DAIRY PRODUCTS, as listed under that heading in Items Nos. 31770 through 31930 of Western Classification No. 76.

FEED, ANIMAL OR POULTRY, as listed under that heading in Items Nos. 37030 through 37691 of Western Classification No. 76.

FISH, FRESH OR FROZEN, PREPARED, as listed under that heading in Items Nos. 38505 through 38611 of Western Classification.

FRUITS OR BERRIES (IN SOLUTION), as described in Item No. 41550 of Western Classification No. 76.

NUTS EDIBLE, as listed under that heading in Items Nos. 70970 through 71090 of Western Classification No. 76.

OILS, INCLUDING EDIBLE OILS, BY-PRODUCT OILS, OLIO STOCK, ESSENTIAL OILS AND CITRUS OILS, as listed in Items Nos. 72305 through 72695 of Western Classification No. 76.

Commodities, other than those included above, requiring temperature control all or part of the year.

Empty Containers.  
Labels.  
Packaging Materials.  
Advertising Matter.  
Ice.  
Ice, Dry.

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2. Mixed shipments, (single, split pickup or split delivery) tendered on one bill of lading or shipping document, consisting of one or more of the commodities embraced in subparagraph 1, above, together with one or more commodities not embraced in subparagraph 1, above.

The classification reference in this Appendix is to Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

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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; northeasterly 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.

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LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwestly along the shore line of the Pacific Ocean to point of beginning.

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The San Francisco-East Bay Cartage Zone includes the 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 Lynnwood Drive to So. Mayfair Avenue; thence westerly along said So. 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 northeasterly 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

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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.