

ORIGINAL

Decision No. 60147

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SECURITY TRUCK LINE, a corporation,)
for a certificate of public conven-)
ience and necessity to extend highway)
common carrier services.)

Application No. 41610
(Amended)

Handler & Baker, by Marvin Handler, for applicant.

Peart, Baraty & Hassard, by Gus L. Baraty, for
Santa Fe Transportation Company, protestant.

O P I N I O N

Security Truck Line is a highway common carrier operating under the authority of certificates of public convenience and necessity issued by this Commission. Security seeks, by this application, additional highway common carrier operating rights.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis at San Francisco on February 1, 1960, when the matter was submitted, subject to the filing of an amendment to conform to the proof adduced at the hearing. Said amendment has been filed and the matter is ready for decision.

Security holds, in addition to the highway common carrier operating rights above mentioned, a certificate of public convenience and necessity to operate throughout California as a petroleum irregular route carrier and the following permits: contract carrier, radial highway common carrier, city carrier and household goods carrier. Security also holds rights granted by or registered with the Interstate Commerce Commission. Security has 167 pieces of operating equipment. It has an earned surplus of approximately \$102,000 as of November 30, 1959, and approximately \$23,000 as net income after taxes for the first 11 months of 1959.

The Commission finds that Security has the experience and financial ability to conduct the operations for which authority is herein sought.

Security's present highway common carrier operating rights authorize it to transport general commodities, with limited exceptions, between all points and places within the San Francisco-East Bay Cartage Zone and between the points in the cartage zone, on the one hand, and, on the other hand, Hollister, including intermediate points.

Security, by this application, seeks authority to serve the following additional territorial area:

Between all points on or within twenty miles of the following routes and within twenty miles of Sacramento:

1. U. S. Highway 40 between Oakland and Sacramento.
2. U. S. Highways 50 and 99 between Oakland and Sacramento.
3. State Highway 24 between Oakland and Sacramento.
4. State Highways 9 and 17 between San Jose and Hayward.
5. State Highways 9, 17, 21 and unnumbered highway between San Jose and Livermore.
6. State Highway 4 between Stockton and junction U. S. Highway 40.
7. State Highway 12 between Lodi and junction U. S. Highway 40.
8. Between Livermore and junction State Highway 4 via unnumbered highway.
9. Between Stockton and Sacramento through Franklin and Thornton via unnumbered highway.
10. Between Tracy and junction Highway 4 through Byron via unnumbered highway.

The record discloses that Security has terminals in San Jose, Sunnyvale, San Francisco and dock space in Hollister. San Jose is the hub of Security's transportation activities.

Numerous members of the shipping public testified on behalf of Security. Some of these witnesses testified that their transportation needs were not being adequately met in the San Jose area and that if the authority herein sought were granted the service proposed by Security would meet these shipping needs.

In addition, the evidence indicates that Security has a variety of types of operating equipment which can accommodate almost any type of commodity shipped. Several shippers or receivers of freight testified that they had difficulty in shipping freight to or receiving freight from the area here in question because of the lack of proper equipment on the part of other carriers. Also, applicant has had difficulty finding other carriers with which it could interline in the area here under consideration respecting commodities such as long beams and long pipe.

Some shippers and receivers of freight testified that they had limited dock space and that if the application were granted they would be able to use Security into its expanded service area and curtail the number of carriers they were presently using, thereby eliminating some of the dock congestion.

Protestant, Santa Fe Transportation Company, appeared by counsel in the proceeding but produced no evidence on its behalf. ✓

The Commission finds that public convenience and necessity require that the application be granted.

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

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

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 Security Truck Line, a corporation, authorizing it to serve as a petroleum irregular route carrier as defined by Section 214 of the Public Utilities Code for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.
2. A certificate of public convenience and necessity is hereby granted to Security Truck Line, 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 Appendices A and B attached hereto and made a part hereof.
3. In providing service pursuant to the certificates 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.

4. The certificates of public convenience and necessity granted in paragraphs 1 and 2 of this order are in lieu of and supersede all existing operating rights heretofore granted to or acquired by Security Truck Line, which operating authorities are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

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

Dated at San Francisco, California, this 24th day of May, 1960.

Ernest R. Rye
President
Matthew J. ...
... Fox
Theodore J. Jenner
Commissioners

Commissioner Peter E. Mitchell being necessarily absent, did not participate in the disposition of this proceeding.

I. Security Truck Line, 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:

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 and 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 semi-trailers 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.
8. Fresh or green fruits, fresh or green vegetables, or mushrooms when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, pre-cooling plant, or winery.

Issued by California Public Utilities Commission.

Decision No. 60147, Application No. 41610 (Amd).

II. Security Truck Line, a corporation, shall have the authority to transport the commodities set forth in paragraph I of this Appendix between the points and over the routes as follows:

- (A) Between all points and places in the San Francisco-East Bay Cartage Zone as more particularly delineated and described in Appendix B attached hereto.
- (B) Between all points and places in the San Francisco-East Bay Cartage Zone, on the one hand, and, on the other hand, Hollister and all intermediate points between said Cartage Zone; and Hollister on U. S. Highway 101 and 101 Bypass, State Highway 156 and on the unnumbered road between Gilroy and Hollister.
- (C) Between San Martin and Coyote Dam via San Martin Avenue to Foothill Boulevard; thence along Foothill Boulevard.
- (D) Between all points on or within twenty miles of the following routes and within twenty miles of Sacramento:
 - 1. U. S. Highway 40 between Oakland and Sacramento.
 - 2. U. S. Highways 50 and 99 between Oakland and Sacramento.
 - 3. State Highway 24 between Oakland and Sacramento.
 - 4. State Highways 9 and 17 between San Jose and Hayward.
 - 5. State Highways 9, 17, 21 and unnumbered highway between San Jose and Livermore.
 - 6. State Highway 4 between Stockton and junction U. S. Highway 40.
 - 7. State Highway 12 between Lodi and junction U. S. Highway 40.
 - 8. Between Livermore and junction State Highway 4 via unnumbered highway.
 - 9. Between Stockton and Sacramento through Franklin and Thornton via unnumbered highway.
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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.

