

Decision No. 60184**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of FRANCIS EARL BLINCOE, doing )  
business as BLINCOE TRUCKING )  
COMPANY, for Permission to Remove )  
Restrictions and a Certificate of )  
Public Convenience and Necessity to )  
operate as a Highway Common Carrier.)

Application No. 41699

Francis X. Vieira, for Applicant.O P I N I O N

Francis Earl Blincoe, doing business as Blincoe Trucking Company, requests authority by this application, as amended, to expand his highway common carrier operating rights in order to transport general commodities, with certain exceptions, between various points in the San Francisco Bay region, the Stockton, Sacramento and Fresno area and cities in the Los Angeles Basin territory. A public hearing on this application was held before Examiner James F. Mastoris at Stockton on March 22, 1960, at which time evidence was presented by the applicant; the matter was submitted upon receipt of an amendment to conform to the proof and a late-filed exhibit.

Present Operating Authority

At present this carrier operates under a certificate of public convenience and necessity authorizing general commodity transportation between Tracy and Stockton, with service to intermediate as well as off-route points on U. S. Highway 50, on the one hand, and San Francisco, Oakland, Sacramento, Lodi, Manteca and Fresno, on the other hand. In addition it holds radial highway common, highway contract and city carrier permits.

Specific Authority Requested

By this proposed extension applicant specifically seeks to enlarge said certificate in order to serve on an on-call basis, subject to certain local service and other exceptions:

1. All points on U. S. Highways 40, 50 and 99 between and including San Francisco Territory and Sacramento, including points surrounding Sacramento.
2. All points between and including the San Francisco Territory and the Los Angeles Basin Territory over and along U. S. Highways 50, 99, 101 and California State Highways 33, 120 and 152, including various off-route points.
3. All points between and including Sacramento and said Los Angeles Basin Territory over and along U. S. Highways 50, 99 and California State Highways 33, 120 and 132, including various off-route points surrounding Sacramento.
4. All points on California State Highway 4 between Pinole and Stockton, including Crockett, Martinez, Port Chicago, Pittsburg, Antioch, Rodeo, Brentwood and Byron.
5. All points within the Counties of Contra Costa, San Joaquin and Stanislaus.
6. All points within a 25-mile lateral of the aforementioned highways.

Shipper Evidence in Support of Application

Evidence was presented that increased highway common carrier authority is needed in order to accommodate the increasing public demand for service into the regions to which the applicant seeks to extend. Shipper witnesses, representing various business organizations shipping assorted general commodities into those areas, declared in substance that they require and will have future need for the particular service offered by the applicant, that they desire the present service to continue in the future but that present territorial restrictions on the carrier's certificate constitute a disadvantage to their expanding businesses. An enlargement of the certificate is expected to provide split-delivery rate benefits as well as avoidance of problems surrounding mixed certificated and permitted operations. Inasmuch as the anticipated future

needs in the proposed areas are expected to be similar to past requirements, but with added emphasis as the result of population and industrial development, these witnesses preferred to remain with the carrier which has supplied previous dependable, courteous and individualized service. In addition the applicant is apprehensive about the continuance of service to the proposed territories under his permitted operating rights because of the resultant legal complications that might arise from an increasing frequency of operations between the same points. The requested authority will remove doubt as to his lawful status and enable him to provide his customers with highway common carrier service into the aforementioned rapidly growing business regions of the State.

#### Protests

There was no opposition to this application.

#### Findings and Conclusions

Evidence of the public need for this extension has been established. The Commission, therefore, is of the opinion and finds that public convenience and necessity require that the application be granted. We find and conclude that there is a present and prospective need for the proposed expansion, and that the applicant possesses the experience and equipment to extend his certificate and maintain the operations to be authorized. We further find that the applicant possesses the financial ability to support the proposed service and the resources to acquire such additional equipment as may be required to conduct such operations. His terminal facilities and personnel are adequate and suitable for the purposes intended in this application. The requested relief will be granted by adding new and revised pages to Appendix A of applicant's certificate, established in Decision No. 57649, Application No. 36045, in order to incorporate the additional authority granted in the order that follows. Appendix A, therefore, as set forth in the

following order, will encompass the entire certificate, as revised, of Francis Earl Blincoe.

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

Application having been filed, a public hearing having been held, and based upon the above findings,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Francis Earl Blincoe authorizing the establishment and operation of service as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes set forth in Appendices A, B and C, attached hereto and made a part hereof, and subject to the conditions and restrictions of said Appendix A. Operating rights presently described in Francis Earl Blincoe's current Appendix A as established and set forth in Decision No. 57649, Application No. 36045, are hereby revoked and annulled, said revocation and annulment to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) 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 he will be required, among other things, to file annual reports of his 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.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of May, 1960.

[Signature]  
 President  
[Signature]  
[Signature]  
Theodore Deiner  
 Commissioners

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

A. Francis Earl Blincoe, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places, and over the routes specified, including all off-route points located within a radius of 25 miles laterally of the named highways, as follows:

1. All intermediate points on U. S. Highways 40, 50 and 99 between and including San Francisco Territory, as described in Appendix B attached hereto, and Sacramento, and points beyond Sacramento, viz.: North Sacramento, Del Paso Heights, McClellan Air Force Base, Town and Country, Fair Oaks, Nimbus, Mills, Mather Air Force Base, Perkins, West Sacramento, Broderick, Bryte, Florin and Elk Grove.

Provided however: No local service shall be rendered between points within the San Francisco Territory.

2. All intermediate points between and including San Francisco Territory and Los Angeles Basin Territory, as described in Appendix C attached hereto, located on U. S. Highways 50, 99, 101 and State Highways 33, 120 and 152, including the off-route points Lyoth, Banta, Duell Vocational School, Lathrop, Escalon, Riverbank, Oakdale and Castle Air Force Base, Merced.

Provided however: No local service shall be rendered between points within the San Francisco or Los Angeles Basin Territories.

3. All intermediate points between and including Sacramento and Los Angeles Basin Territory, including points beyond Sacramento, viz.: North Sacramento, Del Paso Heights, McClellan Air Force Base, Town and Country, Fair Oaks, Nimbus, Mills, Mather Air Force Base, Perkins, West

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Sacramento, Broderick, Bryte, Florin, Elk Grove, off-route points Escalon, Riverbank, Oakdale and Castle Air Force Base, Merced, Lyoth, Lathrop and Tracy, located on/and via U. S. Highways 50, 99, State Highways 33, 120 and 132.

Provided however: No local service shall be rendered between points within Los Angeles Basin Territory.

4. Pinole, Rodeo, Crockett, Martinez, Port Chicago, Pittsburg, Antioch, Oakley, Brentwood, Byron, and all intermediate points on State Highway 4 between Pinole and Stockton.
5. All points within the Counties of Contra Costa, San Joaquin and Stanislaus.
6. The authorities set forth in paragraphs 1 and 2 do not apply for the transportation of Fresh or Green Fruits or Vegetables, not cold packed or frozen, when:

- (a) The point of destination is a cannery, accumulation station, cold storage plant, precooling plant, winery or
- (b) When transported from the field or point of growth to a packing plant, or a packing shed (see exception).

EXCEPTION: Except for the transportation of citrus fruits in field boxes or in bulk, or avacodos, the provisions of paragraph (b) will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.

- (c) Sugar beets, when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.

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- B. Francis Earl Blincoe 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 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. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
  6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
  7. Logs.

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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; southwestery 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 Coliege Avenue; northerly along Coliege 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; southwestery 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 begining.

APPENDIX C TO DECISION NO. 6018A

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; southwestwardly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwardly 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; southwestwardly 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; northwesterly along the shore line of the Pacific Ocean to point of beginning.