

ORIGINALDecision No. 60299

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JOHN SCANNELL, doing business as
SCANNELL BROTHERS DRAYAGE, for a
certificate of public convenience
and necessity to operate as a highway
common carrier for the transportation
of general commodities between
presently certificated territory and
San Jose, Sacramento, Stockton,
Modesto and other points.

Application No. 40883

Marquam C. George, for applicant.
Marvin Handler, for Valley Motor Lines, et al.,
California Motor Express, et al., Delta Lines,
Inc., and Lodi Truck Service; Norman R. Moon,
for Highway Transport, Inc., et al., protestants.

O P I N I O N

This application was filed on February 25, 1959. After four days of hearing the matter was submitted on March 1, 1960.

Applicant now holds a certificate authorizing the transport of general commodities in the San Francisco-East Bay Cartage Zone. By the instant application he seeks authority to serve between the cartage zone and San Jose, Los Gatos, Modesto, Stockton, Sacramento and intermediate points.

Applicant and an accountant testified regarding operating matters. Applicant also presented a number of public witnesses and offered additional witnesses whose testimony was excluded as probably redundant. He filed an exhibit at the last hearing giving details concerning the excluded group.

The public witnesses had used the Scannell service for a considerable period of time in most instances. They were thoroughly familiar with it. They had made use of it, not only within applicant's certificated area, but to other points served by applicant

under permits. They were pleased with the service and stated that they would use it to the points herein requested. These public witnesses represented substantial companies in a variety of industries.

Protestants attended the earlier hearings but not the later ones. They cross-examined operating witnesses. They did not, however, make a presentation of their own.

On the question of fitness, applicant was able to show that his personnel, experience, facilities, equipment and financial condition are adequate to support the service enlargement requested in this application.

The Commission is of the opinion and finds that public convenience and necessity require that the authority requested in the application should be granted.

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

Public hearings having been held and based upon the evidence adduced therein and the application,

IT IS ORDERED:

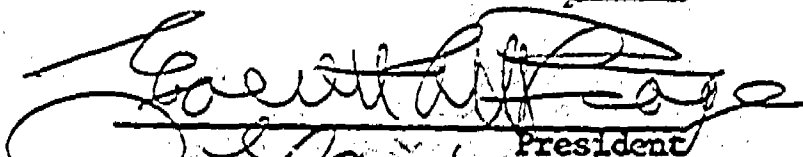
(1) That a certificate of public convenience and necessity is granted to John Scannell, authorizing him to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes particularly set forth in Appendices A and B attached hereto and made a part hereof.

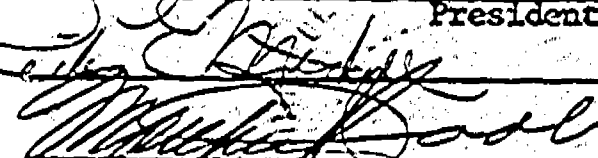
(2) That, in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:


- (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 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 to the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs satisfactory to the Commission.

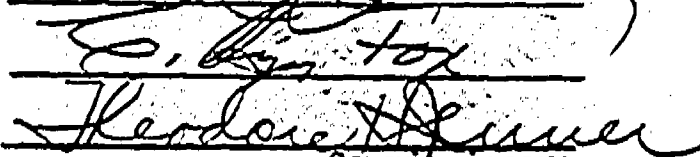
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of June, 1960.



President






Commissioners

John Scannell, 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 as follows:

1. Between the San Francisco-East Bay Cartage Zone, as described in Appendix B hereto attached, and San Jose and points intermediate thereto and between intermediate points on U.S. Highways Nos. 101 and 101 Bypass, including the City of Los Altos.
2. Between the San Francisco-East Bay Cartage Zone and Saratoga and points intermediate thereto and between intermediate points on State Highway No. 9.
3. Between the San Francisco-East Bay Cartage Zone and Los Gatos and points intermediate thereto and between intermediate points on State Highway No. 17, including the City of Campbell.
4. Between Los Gatos and Saratoga via unnumbered County road.
5. Between the San Francisco-East Bay Cartage Zone, Sacramento and intermediate points on U.S. Highway No. 40.
6. Between the San Francisco-East Bay Cartage Zone, Sacramento and intermediate points on U.S. Highway No. 50, including the Cities of Lodi, Stockton and Tracy.
7. Between Modesto and Stockton via U.S. Highway No. 99.
8. Between Manteca, the junction of U.S. Highway No. 50 and State Highway No. 120 and intermediate points on State Highway No. 120.
9. Applicant may serve all points and places, without limitation, on or within 3 miles ~~distance~~ laterally of any of the routes set forth in paragraphs 1 through 8 above.

Applicant may use any and all streets, roads, highways and toll bridges necessary or convenient for the performance of the service herein authorized.

Issued by California Public Utilities Commission.

Decision No. 60299, Application No. 40883.

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 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 refrigerated equipment.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers 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. Logs.

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APPENDIX B TO DECISION NO.

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

APPENDIX B TO DECISION NO. 602290

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.