

Decision No. 60322

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ARTHUR R. ALTNOW, doing business as)
 LODI TRUCK SERVICE, for a certificate)
 of public convenience and necessity)
 to extend highway common carrier)
 services.)

Application No. 41446

Handler & Baker, by Marvin Handler, for applicant.
 Robert W. Walker and Henry M. Moffat, for Santa Fe
 Transportation Co., protestant.

O P I N I O N

This application was filed on August 31, 1959. A public hearing was held on February 9, 1960 before Examiner John Power in San Francisco, and the matter was submitted.

Applicant presently holds operating authority as a petroleum irregular route carrier covering the entire State. He also has operating rights between San Francisco Bay points and Stockton - Sacramento, and between the area around Stockton and Lodi and Los Angeles with the right to serve intermediate points south of Stockton. There is a prohibition against linkage of the last two general commodity authorities.

Applicant desires, by this application, to acquire rights between San Francisco and Los Angeles Basin Territories via both Valley and Coast routes and to serve the Sacramento area from San Joaquin Valley and Los Angeles Basin points.

Only one protestant appeared at the hearing. This protestant has no operating rights on the coast highway (U.S. No. 101), nor into Sacramento and, therefore, the application,

insofar as those points are concerned, is not protested.

Applicant presented a number of public witnesses who appeared and testified and an additional group whose testimony was received in the record by stipulation. These witnesses ship from numerous points in the State. Many of them ship to the requested points, including lateral points. They have found applicant's service adequate for their needs. They would continue to use the service and feel that they would benefit from its extension.

Protestant is the truck subsidiary of a transcontinental railroad. It has rights extending from the Arizona boundary line to Los Angeles and from Los Angeles and San Diego through the San Joaquin Valley to Stockton, Oakland and San Francisco. It renders a daily overnight service between its points and has many terminals available to it.

The Commission finds that public convenience and necessity require that the sought authority be granted. The present general commodity authority of applicant will be superseded by the following order.

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 hearing 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 Arthur R. Altnow 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, B, and C attached hereto and made a part hereof.

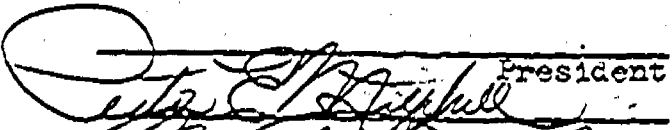
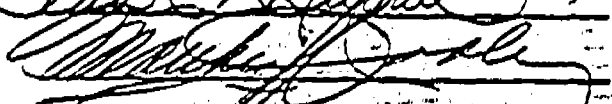
(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

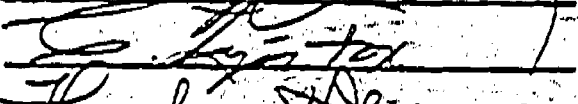
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual 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.


(3) That the certificate of public convenience and necessity granted in paragraph (1) of this order is in lieu of and supersedes all existing certificates of public convenience and necessity authorizing the transportation of general commodities heretofore granted to or acquired by Arthur R. Altnow, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph (2) (b) hereof. Nothing in this order shall be construed to revoke any operating authority as a petroleum irregular route carrier now possessed by applicant.

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

Dated at San Francisco, California, this 28th day of June, 1960.


 _____ President





 _____ Commissioners

Commissioner Everett C. McKee, being necessarily absent, did not participate in the disposition of this proceeding.

Arthur R. Altnow, 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:

- A. Between all points in the following Territories via any and all highways, streets and roads:
 1. San Francisco Territory as described in Appendix B hereto attached.
 2. Los Angeles Basin Territory as described in Appendix C hereto attached.
- B. Between all points on or within 20 miles of the following routes:
 1. U.S. Highways 101, 101 By-Pass and 101-A between San Francisco and Los Angeles, inclusive.
 2. U.S. Highway 99 between Sacramento (including points within 20 miles of Sacramento) and Los Angeles, inclusive.
 3. U.S. Highways 40 and 50 and State Highways 4, 12 and 24 between San Francisco, Sacramento, Stockton and Burson.
 4. State Highway 4 between its intersection with U.S. Highway 40, near Pinole, and Stockton, inclusive.
 5. State Highway 33 between its intersection with U.S. Highway 50, near Tracy, and Mendota, inclusive.
 6. State Highway 180 between Mendota and Fresno, inclusive.
 7. State Highway 140 between Gustine and Merced, inclusive.
 8. State Highway 152 between Gilroy and Los Banos, inclusive.

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- C. Applicant may serve between any two points included in paragraphs A and B above or between any point in paragraph A and any point in paragraph B.

Applicant may make use of any and all streets, roads, highways, and toll bridges necessary or convenient for performance of the service 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. 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.
3. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
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, other than petroleum and petroleum products.
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. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
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, precooling plant, or winery.

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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 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; 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 beginning.

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.