

ORIGINAL

Decision No. 60375

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BECKMAN EXPRESS & WAREHOUSE CO., a)
corporation, for an extension and) Application No. 41785
enlargement of its certificate of)
public convenience and necessity.)

Scott Elder, for applicant.

O P I N I O N

Applicant is engaged as a highway common carrier in the transportation of general commodities, with certain exceptions, between the East Bay cities of San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Oakland, Piedmont, Alameda, San Leandro and Hayward; between said cities, on the one hand, and San Francisco and South San Francisco, on the other hand; between said East Bay cities, on the one hand, and San Jose and intermediate points, on the other hand; and between said East Bay cities, on the one hand, and Antioch and intermediate points, on the other hand; and also in the transportation of sand in dump trucks between Antioch and points within a radius of three miles of Antioch, on the one hand, and, on the other hand, said East Bay cities, San Francisco, South San Francisco, San Jose, and intermediate points. (See Decision No. 46920 in Application No. 31797, Decision No. 50739 in Application No. 35864, and Decision No. 53167 in Application No. 36084.)

By this application filed December 22, 1959, Beckman Express & Warehouse Company, requests a certificate of public convenience and necessity, as an extension and enlargement of its

present authority, to engage in the transportation of property as a highway common carrier: (a) Between San Francisco and South San Francisco, on the one hand, and on the other hand, Antioch and San Jose and intermediate points; also between Antioch and San Jose and intermediate points; and (b) Between Vallejo and Crockett, on the one hand, and on the other hand points on applicant's line presently and as herein granted. The same type of commodities are to be transported and applicant proposes to charge the minimum rates for transportation by highway carrier prescribed by this Commission and to apply the rules and regulations presently stated in its tariff. The service will be rendered five days per week, excepting holidays.

A public hearing was held on May 17, 1960, in San Francisco before Examiner Rowe. No one appeared in protest. Evidence was adduced and the matter was duly submitted for decision.

The evidence shows that there has been considerable recent industrial growth in the areas to which an extension now is requested. The applicant has customers who desire service into this extended area, and likewise they desire split pickups and split deliveries to be made therein.

The evidence further discloses that applicant is able to supply the extended service. The applicant has adequate equipment, has had the necessary experience, and is financially sound.

Upon consideration of all of the evidence adduced herein, we find that public convenience and necessity require that the application be granted in the manner set forth in the ensuing order which will provide for a new certificate combining all of applicant's operating authority.

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 adduced therein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Beckman Express & Warehouse 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 Appendix A 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 granted by said Decisions Nos. 46920, 50739 and 53167, is hereby canceled, said cancellation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 5th day of July, 1960.

Evelyn B. [Signature]
President
[Signature]
[Signature]
[Signature]
Theodore J. [Signature]
Commissioners

A. Applicant by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities with the exception 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 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks, except as otherwise authorized in paragraph (b) hereof.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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(a) BETWEEN each of the following cities, namely San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Oakland, Piedmont, Alameda, San Leandro and Hayward (said cities being sometimes herein called "the East Bay cities");

(b) BETWEEN each of said East Bay cities, on the one hand,
and

- (1) San Francisco and South San Francisco, on the other hand;
- (2) San Jose, on the other hand, serving also intermediate points between said East Bay cities and San Jose along State Highways 17 and 9 and serving also intermediate and off-route points along and within 2 miles laterally on either side of U. S. Highway 101 and U. S. Highway 101 By-Pass between San Francisco and San Jose;
- (3) Crockett and Vallejo and intermediate points on U. S. Highway 40, State Highway 29 and unnumbered highway to Crockett, on the other hand.
- (4) Antioch and intermediate points on State Highways 24 and 4 and U. S. Highway 40, on the other hand.

(c) BETWEEN San Francisco and South San Francisco, on the one hand, and

- (1) San Jose, on the other hand, serving also intermediate points between said East Bay cities and San Jose along State Highways 17 and 9 and serving also intermediate and off-route points along and within 2 miles laterally on either side of U. S. Highway 101 and U. S. Highway 101 By-Pass between San Francisco and San Jose;

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- (2) Crockett and Vallejo and intermediate points on U. S. Highway 40, State Highway 29 and unnumbered highway to Crockett, on the other hand;
- (3) Antioch and intermediate points on State Highways 24 and 4 and U. S. Highway 40, on the other hand;
- (d) BETWEEN San Jose, on the one hand, and
 - (1) Antioch, on the other hand, serving also intermediate points on State Highways 24 and 4 and U. S. Highway 40, State Highways 17 and 9 and U. S. Highway 101 and U. S. Highway 101 By-Pass between San Francisco and San Jose;
 - (2) Crockett and Vallejo and intermediate points on U. S. Highway 40, State Highway 29 and unnumbered highway to Crockett, on the other hand.

B. Sand in dump trucks between Antioch and points within a radius of 3 miles of Antioch, on the one hand, and said East Bay cities, San Francisco, San Jose, and intermediate and off-route points stated in paragraph (b)(2) hereof, on the other hand.

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