

Decision No. 60572

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THOMAS A. REILLEY, Executor of the Estate of H. F. REILLEY, deceased, doing business as REILLEY TRUCK LINE for Permission to Remove Restrictions and a Certificate of Public Convenience and Necessity to Operate as a Highway Common Carrier.

Application No. 41511

Francis X. Vieira, for applicant.

O P I N I O N

Thomas A. Reilley, Executor of the Estate of H. F. Reilley, deceased, doing business as Reilley Truck Line, requests authority to extend service as a highway common carrier.

A public hearing was held before Examiner Thomas E. Daly at Stockton on June 23, 1960.

Applicant is presently authorized to transport general commodities as follows: (Decision No. 59159, Application No. 39407)

- "(1) Stockton, on the one hand, and points on U.S. Highway 99 between Sacramento and Fresno, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Sacramento and Fresno.
- "(2) Stockton, on the one hand, and points on State Highways 33 and 152 between Patterson and Los Banos, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Patterson and Los Banos.
- "(3) San Francisco, South San Francisco, Piedmont, Oakland, Richmond, Alameda, El Cerrito, Albany, Berkeley, Emeryville, Treasure Island, San Pablo, San Leandro, Pleasanton and Livermore, on the one hand, and Stockton

pickup and delivery zone limits, as said limits are described in Appendix B attached hereto, on the other hand, and between said points, on the one hand, and Tracy, Lyoth (U.S. Army Base), Lathrop (including Sharpe's General Depot) and French Camp, on the other hand. Such authority does not include the right to render service to, from or between intermediate points.

- "(4) San Francisco, Treasure Island, Oakland, Alameda, Emeryville, Piedmont, Berkeley, Albany, El Cerrito, Richmond, San Pablo, Pinole, San Leandro, San Lorenzo, Pleasanton, Parks Air Force Base, Livermore, Trevarno, Daly City, Baden, Bayshore, South San Francisco, San Bruno, Millbrae, Tracy, Lyoth, Banta, Lathrop, French Camp, Stockton, on the one hand, and Lodi, Woodbridge, Victor, Acampo, Galt, Elk Grove, Florin, Perkins, Sacramento, North Sacramento, West Sacramento, Broderick, Bryte, Nimbus, Carmichael, Del Paso Heights, Mills, Mather Field and Citrus, on the other hand."

Applicant requests that the restrictions be removed and that the operative rights be extended and restated as follows:

- (1) Between the San Francisco Territory, Castro Valley, Dublin, Giant, Hercules, Livermore, Nitro, Parks Air Force Base, Pinole, Pleasanton, Radum, San Pablo, Santa Rita, Sobrante and Trevarno, on the one hand, and, on the other hand, all points and places on, along and within 15 miles laterally of the following highways:
  - a. U.S. Highway 99 between Sacramento and Fresno, inclusive.
  - b. State Highways 33, 152 and 180 between Tracy and Fresno.
  - c. U.S. Highway 50 between Dublin and Stockton, inclusive.
  - d. State Highway 4 between Vallejo and Stockton, inclusive.
- (2) To, from and between the points specified in subparagraphs a through d, inclusive.

Applicant presently conducts a same-day and overnight service five days a week. The same service would be provided to the extended area. Terminals are maintained in Stockton, Sacramento, Fresno and Merced. Applicant proposes to acquire terminals in

San Francisco and Oakland. Applicant operates approximately fifty-six pieces of equipment and will acquire additional equipment if and when needed. As of May 31, 1960 applicant indicated a net worth of \$37,784.84.

Exhibits were introduced which reflect a substantial population as well as industrial growth and development within applicant's service area during the past fifteen years. Exhibit 2 indicates that applicant's gross revenue increased from \$119,479.08 in 1953 to \$404,814.29 in 1959.

It was stated that although applicant is serving such points as San Francisco and Modesto through rates and service cannot be provided because of the existing restrictions; that applicant is required to transport a shipment from San Francisco to Modesto via Stockton and charge a combination of rates; that as a result applicant has lost many customers who desire a complete service, which includes benefits derived from volume rates applicable to split pickup and delivery shipments; that the extended service would be to points on or along routes which applicant now traverses but cannot serve; that the proposed service would be more economically feasible in that applicant could make better use of existing equipment and facilities and particularly in that applicant would be able to provide customers with a more complete and satisfactory service.

One public witness testified. He represented a company located in Stockton engaged in governmental missile work. He uses applicant and stated the service to be very good. Time in transit is very important and applicant's same-day and overnight service is vitally essential.

Although applicant was prepared to call forty public witnesses, in the absence of protest it was determined that, rather than inconvenience such individuals by having them publicly appear, an exhibit containing their names, the companies they represent, the commodities they ship and the points between which they ship and the reasons for their use of the proposed service would be received as late-filed Exhibit 9. Said exhibit has since been filed and considered.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the authority sought.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Thomas A. Reilley, Executor of the Estate of H. F. Reilley, deceased, authorizing the transportation of property between the points as set forth in Appendices A and B attached hereto.

(2) That the certificate of public convenience and necessity granted in paragraph (1) of this order is in lieu of and supercedes all existing certificates of public convenience and necessity granted to or acquired by applicant, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of tariff filings required by paragraph (3)b hereof.

(3) 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 16<sup>th</sup> day of August, 1960.

[Signature]  
 President

[Signature]

[Signature]

[Signature]  
 Commissioners

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

Thomas A. Reilley, as Executor of the Estate of E. F. Reilley (deceased), by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the following points:

1. Between the San Francisco Territory (as described in Appendix B attached hereto), Castro Valley, Dublin, Giant, Hercules, Livermore, Nitro, Parks Air Force Base, Pinole, Pleasanton, Radum, San Pablo, Santa Rita, Sobrante and Trevarno, on the one hand, and, on the other hand, all points on, along and within 15 miles laterally of the following highways:
  - (a) U.S. Highway 99 between Sacramento and Fresno, inclusive.
  - (b) State Highways 33, 152, and 180 between Tracy and Fresno, inclusive.
  - (c) U.S. Highway 50 between Dublin and Stockton, inclusive.
  - (d) State Highway 4 between Vallejo and Stockton, inclusive.
2. To, from and between the points specified in subparagraphs (a) through (d), inclusive.

Applicant may use all available routes to provide the service hereinabove described.

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.

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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 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.

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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.