

Decision No. 60573**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SERGIO SARTORI, ELIO SARTORI and)
 RICCARDO TUNZI, co-partners doing)
 business as SALINAS VALLEY FREIGHT) Application No. 42085
 LINES for a certificate of public)
 convenience and necessity to operate)
 as a highway common carrier.)

Frank Loughren and Marvin J. Colangelo,
 for applicant.

O P I N I O N

This application was filed on March 30, 1960. Public hearing was held before Examiner John Power on May 24, 1960 at San Francisco and the matter submitted. There were no protests to the application.

The certificated rights held by applicants go back in some instances to 1927. These rights at present authorize service between San Francisco and the principal East Bay points and the Salinas-King City area. Applicants now seek authority to serve the intermediate and Monterey Bay points.

Two of the applying partners testified regarding operating matters and a substantial number of public witnesses were presented. The latter were using applicants' service and found it entirely satisfactory. They would make much greater use of it if the extension were granted. They testified that this would be beneficial to their several businesses. To some extent they had been able to use applicants' permitted carrier service but believed that a certificated service would be much more satisfactory.

The Commission finds and concludes that public convenience and necessity require that the authority here sought should be granted. Applicants' present authority will be revoked and a new certificate issued.

The applicants were able to establish that their facilities, equipment, experience, personnel and finances were such as to make it possible for them to assume the added responsibilities proposed in the application.

Applicants are 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 Sergio Sartori, Elio Sartori and Riccardo Tunzi, authorizing them 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, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public

convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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, applicants 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 heretofore granted to or acquired by applicants, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required of applicants 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 16th day of August, 1960.

President

E. ...

Theodore ...

Commissioners

-3- Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Sergio Sartori, Elio Sartori and Riccardo Tunzi, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities between:

1. All points and places in the San Francisco-East Bay Cartage Zone as delineated on Appendix B hereto attached.
2. All points on or within seven miles laterally of U.S. Highways Nos. 101 and 101 Bypass between San Mateo and King City, including all points within seven miles of the corporate limits of Salinas and King City.
3. All points on or within seven miles laterally of State Highways Nos. 9 and 17 between Hayward and Santa Cruz.
4. All points on or within five miles laterally of State Highway No. 152 between its intersection with U.S. Highway No. 101, near Gilroy and its intersection with State Highway No. 1 near Watsonville.
5. All points on or within five miles laterally of State Highway No. 1 between Santa Cruz and Carmel, including all points within five miles radially of Santa Cruz and Carmel.
6. Between points designated in any one of the numbered paragraphs 1 through 5 above and points designated in each and all of the other numbered paragraphs.

For operating convenience only applicants may use any and all streets, roads, highways and toll bridges.

Issued by California Public Utilities Commission.

Decision No. 60573, Application No. 42085.

Applicants 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. 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.
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.
8. Commodities of unusual value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

Issued by California Public Utilities Commission.

Decision No. 60573, Application No. 42085.

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. 60573

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.