

Decision No. 60658**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ASSOCIATED TRANSPORTATION CO., INC.,  
 a corporation, for an expansion and  
 restatement of its certificates of  
 public convenience and necessity  
 authorizing highway common carrier  
 service.

Application No. 42194

Daniel W. Baker, for applicant.O P I N I O N

As justification for granting this application, filed April 26, 1960, applicant alleges that public convenience and necessity require the proposed service for the following reasons:

1. That Associated Transportation Co., Inc., has conducted operations throughout the central California area involved herein under its permitted authorities and, since receipt of its certificates, a portion thereof is served as a highway common carrier. During its existence the applicant has experienced growing and continual demands from the shipping public and has adjusted and expanded its service to meet these needs. As the requirements of the shippers increased, the applicant in the past applied for and received certain certificated authorities. Such authorities were adequate to cover the applicant's then existing operation. However, due to the remarkable economic and population growth of central California and expanded transportation needs of the shipping public, the existing certificated authorities are now inadequate.

2. That the number of commodities which applicant is transporting to and from certificated and permitted points has been steadily increasing, as has its frequency of operation. Requests are continually being received for additional service, particularly to the permitted areas it is serving. Because of the limits appurtenant to the permitted authorities, applicant has been reluctant to satisfy the complete requirements of the shippers. The instant application, if granted, will give it the proper authority to fill these needs.

3. That certain problems have arisen in operating under the existing certificates which will be eliminated by the grant of the requested authority. On occasions, shippers desire the transportation of split or single shipments comprised of certificated and permitted commodities which cannot be combined under such authorities. Most of the common carriers with whom applicant competes in the considered territory appear to be able to handle these shipments and, of course, no such restriction exists with respect to permitted carriers. This situation has a harmful effect upon applicant's operation, as it gives a competitive advantage to other carriers seeking the same traffic. It also prevents applicant from rendering the type of service desired by its customers.

4. That the applicant is one of the oldest and most substantial carriers operating in the involved territory. Its service has been responsive to the public need. To enable it to continue to properly serve its customers, the requested authority is essential.

Public hearing was held on this application before Examiner Rowe on June 2, 1960, in San Francisco. No one appeared in opposition and the matter is now duly submitted for decision.

Based upon the evidence of record the Commission finds that public convenience and necessity require that applicant be granted the rights of a highway common carrier as applied for. This will be accomplished by the issuance of a new certificate of public convenience and necessity defining said rights and the cancellation of applicant's existing highway common carrier rights.

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 therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Associated Transportation Co., Inc., a corporation, authorizing the transportation of property as a highway common carrier as defined by Section 213 of the Public Utilities Code between the

points and over the routes as set forth in Appendices A and B attached hereto and made a part hereof.

2. 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. The operating authority granted by Decision No. 44932, dated October 24, 1950, in Application No. 30525; Decision No. 49769, dated March 9, 1954, in Application No. 34856, as amended by Decision No. 52824, dated March 27, 1956, in Application No. 37790 and Decision No. 52068, dated October 11, 1955, in Application No. 36167, is hereby canceled and revoked, said revocation

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 30<sup>th</sup> day of August, 1960.

Cervell W. Long  
President  
John E. Baker  
Mark H. Dwyer  
C. L. Fox

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Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A      ASSOCIATED TRANSPORTATION CO., INC. Original Page 1  
( a corporation )

Associated Transportation Co., Inc., 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. 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. Nuts, edible, in shells.
  4. Fruit and vegetables, dried, unmanufactured and unprocessed.
  5. Fresh fruits and vegetables when point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery.
  6. Insecticides and fungicides, agricultural.
  7. Fertilizers as described in Items Nos. 535, 540 and 550 of Exception Sheet No. 1-5, Cal. P.U.C. No. 193, J. P. Haynes, Agent.
  8. Sulphur.
  9. Seeds as described in Note 6 of Items 41-42 of Minimum Rate Tariff No. 2.
  10. Lift trucks when transported on low-bed trailers.
- A. Between all points and places in the San Francisco Territory, as described in Appendix B attached hereto.
- B. Between all points on or within 20 miles of the following routes:
1. U.S. Highways 99, 99-W and 99-E between Stockton and Red Bluff, inclusive.

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( a corporation )

2. U.S. Highway 40 between San Francisco and Roseville, inclusive.
3. U.S. Highway 40-A between Davis Junction and Oroville, inclusive.
4. U.S. Highway 50 between San Francisco and Stockton, inclusive.
5. State Highway 24 and U.S. Highway 40 Alternate between Oakland and Oroville, inclusive.
6. State Highway 4 between its intersection with U.S. Highway 40, near Pinole, and Stockton, inclusive.
7. State Highway 21 between Walnut Creek and Warm Springs, inclusive.

No service as a highway common carrier shall be performed locally between Marysville and Yuba City.

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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; southwest 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; southwest 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.