

Decision No. 50739**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VALLEY MOTOR LINES, INC., for a Certificate of Public Convenience and Necessity as a highway common carrier; and of VALLEY EXPRESS CO. for a Certificate of Public Convenience and Necessity as an express corporation and removal of a limitation.

Application No. 41324

Crossland, Crossland and Richardson, by Robert S. Crossland, for applicant.  
 Berol and Silver, by Bruce Geernaert, for Highway Transport, Inc., Fortier Transportation Co., Merchants Express of California and Nielsen Freight Lines; Handler and Baker, by Daniel W. Baker, for Highway Transport, Inc., Fortier Transportation Co., Merchants Express of California and Nielsen Freight Lines, also, Marvin Handler, for Nielsen Freight Lines; A. R. Reader, for Desert Express; James Thomas Jensen and K. D. Thompson, for The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Co.; Willard S. Johnson, for J. Christensen Co., protestants.  
Robert C. Ellis, for California Motor Transport Co., Ltd., interested party.

O P I N I O N

This application was filed July 20, 1959. It was amended three times, the third and last amendment having been filed June 3, 1960, after submission. Nine days of public hearings were held before Examiner John Power beginning in November 1959. Seven of these were employed by applicants in presenting their case at San Francisco, Fresno, Stockton and Sacramento. Applicants rested at San Francisco on March 8.

At the outset there were many protestants. Several of these were less active at the close. However, those protestants who

were holders of operating rights on U.S. Highway No. 101 north of San Francisco remained active. They presented evidence at two hearings in May and the matter was submitted on May 19, 1960 at San Francisco.

The filing of the third amendment disposed of the issue last referred to by withdrawing Valley's request to serve the disputed area. The two protestants who put in evidence at the May 1960 hearings then withdrew their respective protests. Thus, there is no affirmative showing by protestants herein. However, at many hearings there was extensive participation of protestants by way of cross-examination of applicants' witnesses.

The two applicants are identical in ownership. Their service is, in practice, one service. That service presently extends from Shasta Dam to Los Angeles Basin Territory in the central valleys. It includes many points in the San Francisco Bay area and extends along U.S. Highway No. 101 to Salinas. By the instant application the applicants seek to extend chiefly to three areas. One of these includes the U.S. Highway No. 101 points. A second is San Diego and intermediate points. The third is the Coachella Valley - Imperial Valley area. Applicants also seek to fill out their present service territory.

Applicants devoted one of their seven hearing days to operating testimony and the other six to the presentation of public witnesses. In addition to the numerous witnesses thus presented others, to the number of approximately forty, were offered. It was stipulated that these latter, if they had been heard, would have testified to substantially similar effect as did the witnesses who appeared. Applicants' witnesses gave a broad coverage, both geographically and in the commodities shipped.

There were a number of points made by these public witnesses. One group has a large geographical range. Another group, while perhaps shipping in a more limited area, had a large number of shipments each day. To both of these groups a carrier with broad geographical coverage is very helpful and the broader the coverage the more helpful the carrier. Another large group did not have problems of this kind to the same extent but preferred Valley to other services on the basis of their experience with Valley service. Many shippers supported the application for more than one of the above reasons.

The Commission finds and concludes that public convenience and necessity require that the application be granted to the extent provided by the following order. Between August 22, 1956 and September 1, 1959, applicants increased their fleet from 945 to 1140 units (Exhibit No. 6). The financial condition of the companies is sufficient for the purposes of the application. Personnel, facilities and equipment are adequate for the present operation. The traffic manager of both applicants testified that more would be needed if this application were granted. He estimated that six new terminals and ninety pieces of equipment would be needed initially, with personnel to man them.

It appears and the Commission finds that applicants are capable of performing the expanded service proposed in the application.

Applicant Valley Motor Lines, Inc., is presently the holder of a revised certificate of the appendix type granted by Decision No. 59583 in Application No. 38221. The Commission will issue the authority granted on this application by amending Valley's existing certificate. In addition to the changes requested by Valley

the Commission will make certain revisions of its own which experience with Decision No. 59583 has suggested.

Page 5 will be amended to clarify applicants' right to use routes not mentioned when operating convenience requires such use. Page 12 will be amended to clear up an ambiguity (line 1). Page 13 (Route 19) will be amended to correct an obvious error in direction. Page 15 (Route 3) will be amended to correct a highway number.

O R D E R

An application having been filed, public hearings having been held and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Valley Motor Lines, Inc., authorizing it to operate as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code for the transportation of general commodities from, to and between all points within the territories and over the routes as more particularly set forth in Appendix A, attached hereto and made a part hereof, as an extension and enlargement of, to be consolidated with and subject to all the limitations and restrictions set forth in the certificate granted by Decision No. 59583 dated February 1, 1960 in Application No. 38221.

2. A certificate of public convenience and necessity is hereby granted to Valley Express Co., authorizing it to operate as an express corporation as that term is defined in Section 219 of the Public Utilities Code for the transportation of general commodities from, to and between the points on the routes set forth in Appendix B attached

hereto and made a part hereof, as an extension and enlargement of and to be consolidated with its existing express corporation operating rights.

3. In providing service pursuant to the certificates herein granted Valley Motor Lines, Inc., and Valley Express Co. shall comply with and observe the following service regulations:

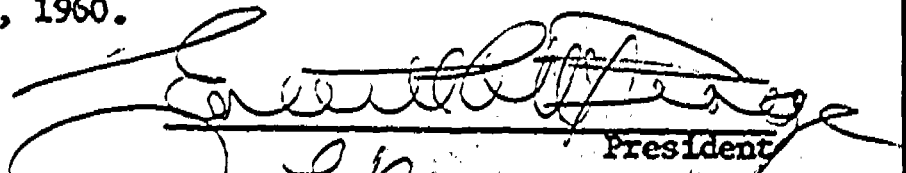
- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificates herein granted. By accepting the certificates of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to 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 authorities 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.

4. Appendix A of the aforesaid Decision No. 59583 granted to Valley Motor Lines, Inc., is hereby amended by incorporating therein First Revised Pages 2, 5, 8, 10, 12, 13, 14 and 15, and Original Pages 16, 17, 18, 19, 20 and 21, which pages are attached hereto as Appendix A and by this reference made a part hereof.

5. Decision No. 59583 as amended herein shall remain in full force and effect.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of SEPTEMBER, 1960.

  
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President

  
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Commissioners

Matthew J. Dooley

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

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LATERAL OPERATIONS

Except as otherwise stated in connection with a specific route description, all service authorized in a lateral territory or zone in conjunction with a regular route includes the right to render service to, from, or betwee, all points and places within the prescribed area.

LATERAL SERVICE

Except as otherwise provided, authorized operations include the following lateral areas:

- (a) One mile of all routes and highways;
- (b) Four miles of any city whose population exceeds 25,000 but does not exceed 100,000;
- (c) Five miles of any city whose population is in excess of 100,000.

SERVICE

Except as otherwise provided, authority to serve over and along described routes includes the right to serve all points and places located over and along such routes.

OPERATING ROUTES

For operating convenience only, any public street, road, highway, ferry or toll bridge may be used in performing the services herein authorized.

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southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka and Santa Fe Railway Company; southwesterly 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 the point of beginning.

CONNECTING ROUTE

Between the Los Angeles Basin Territory and Bakersfield over and along U.S. Highway No. 99, without service to communities situated on U.S. Highway No. 99 between San Fernando and Bakersfield, not inclusive.

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7. Between Redding and Keswick Dam, including the right to serve laterally within 3 miles on either side of the highways traversed.
8. Between Orland and Chico over and along California State Highway No. 32.
9. Between Yuba City and Williams over and along California State Highway No. 20.
10. Between the junction of U. S. Highway Alternate 40 and U.S. Highway No. 40, situated approximately 2 miles southwest of Davis and Chester, over and along U.S. Highway Alternate 40 and California State Highway No. 89; provided, however, that there shall be no service to points on U.S. Highway Alternate 40 between its junction with U.S. Highway No. 40 and Woodland, including Woodland.
11. Between Canyon Dam and Westwood over and along an unnumbered highway.
12. Between Chico and the junction of California State Highways Nos. 32 and 89, over and along California State Highway No. 32.
13. Between Paxton and Quincy over and along U. S. Highway Alternate No. 40.
14. All points and places within five miles laterally of the City of Redding.

SUSANVILLE EXTENSION

1. Between Red Bluff and Susanville over and along California State Highway No. 36.
2. Between Susanville and Leavitt over and along California State Highway No. 36 and available county roads.

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SAN JOAQUIN VALLEY TERRITORY

Service to all points located on, or within the area circumscribed by, the following routes:

1. Between Stockton and Oakdale over and along Mariposa Road and Lone Tree Road to Valley Home, thence over an unnumbered highway to Oakdale.
2. Between Oakdale and Riverbank over and along an unnumbered highway.
3. Between Riverbank and Empire over and along Claus Road.
4. Between Empire and Merced over and along Santa Fe Avenue and Santa Fe Drive.
5. Between Merced and Planada over and along California State Highway No. 140.
6. Between Planada and Le Grand over and along an unnumbered highway.
7. Between Le Grand and Minturn over and along an unnumbered highway.
8. Between Minturn and Herndon over and along U. S. Highway No. 99.
9. Between Herndon and Clovis over and along Herndon Avenue.
10. Between Clovis and the junction of Clovis Avenue and California State Highway No. 180 over and along Clovis Avenue.
11. Between said junction of Clovis Avenue and California State Highway No. 180 and Minkler, over and along California State Highway No. 180.
12. Between Minkler and Orange Cove over and along Reed Avenue south to its junction with Adams Avenue, thence over and along Adams Avenue to Orange Cove.

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13. Between Orange Cove and Elderwood over and along Palm Avenue and Dodge-Monson Avenue via Orosi and Yettem.
14. Between Elderwood and Lemon Cove over and along unnumbered highways via Woodlake.
15. Between Lemon Cove and Exeter over and along California State Highways Nos. 198 and 65.
16. Between Exeter and Ducor over and along California State Highway No. 65.
17. Between Ducor and Famoso over and along an unnumbered highway, via Richgrove.
18. Between Famoso and Bakersfield over and along U. S. Highway No. 99, including the adjacent point of Oildale.
19. Between Bakersfield and Wasco over and along California State Highway No. 178 westerly to its junction with an unnumbered highway, thence northerly over and along said unnumbered highway via Shafter.
20. Between Famoso and Wasco over and along U. S. Highway No. 466.
21. Between Famoso and Earlimart over and along U. S. Highway No. 99.
22. Between Earlimart and Kettleman City over and along an unnumbered highway via Alpaugh to its junction with Corcoran Road, thence northerly to Utica Avenue, thence westerly approximately 20 miles to the junction of Utica Avenue with an unnumbered highway, thence northerly to Kettleman City, together with the right to serve laterally 5 miles of said routes.

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23. Between Kettleman City and the Junction of California State Highways Nos. 41 and 33 over and along said Highway No. 41, together with the right to serve laterally 5 miles over said route.
24. Between said junction of California State Highways Nos. 41 and 33 and Coalinga over and along California State Highway No. 33, together with the right to serve laterally 5 miles of said route.
25. Between Coalinga and Tracy over and along California State Highway No. 33, including the adjacent points of Oil City (Fresno County), Dos Palos Municipal Airport, Carbona, and Lyoth.
26. Between Tracy and Stockton over and along U. S. Highway No. 50.
27. Between Empire and Waterford over and along California State Highway No. 132.

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SAN JOSE-SALINAS TERRITORY

1. Between San Jose and Salinas over and along U. S. Highway No. 101, including the adjacent point of Spreckels.
2. Between Gilroy and Hollister over and along California State Highways No. 152 and No. 156 and Bolsa Road. (State Highway No. 25)
3. Between Hollister and U. S. Highway No. 101 over and along California State Highway No. 156 via San Juan Bautista.

CONNECTING ROUTE

Between Gilroy and Los Banos over and along California State Highway No. 152.

ALTERNATE ROUTE

Between the junction of California State Highways Nos. 41 and 33, approximately 9 miles southeast of Avenal, and Paso Robles over and along California State Highway No. 41.

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COASTAL TERRITORY

1. Between Salinas and Los Angeles over and along U. S. Highway No. 101.
2. Between Pismo Beach and Las Cruces over and along California State Highway No. 1.
3. Between Buellton and Surf over and along California State Highway No. 150, including the installation of Vandenberg Air Force Base.
4. Between Ventura and Santa Monica over and along U. S. Highway Alternate 101.
5. Between San Clemente and San Diego over and along U. S. Highway No. 101.

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IMPERIAL VALLEY TERRITORY

1. Between Riverside and Beaumont over and along U. S. Highway No. 60.
2. Between Redlands and Calexico over and along U. S. Highway No. 99.
3. Between the junction of California State Highway No. 111 and U. S. Highway No. 99, approximately 2 miles west of White Water, and Brawley over and along California State Highway No. 11.

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KERN COUNTY TERRITORY

1. Between Bakersfield and Mojave over and along U. S. Highway No. 466, including the off-route points of Lamont, Arvin, Di Georgio, and Weed Patch.
2. Between Bakersfield and Maricopa over and along U. S. Highway No. 399.
3. Between Taft and McKittrick over and along California State Highway No. 33.
4. Between Bakersfield and McKittrick over and along California State Highway No. 178.
5. All points and places within five miles laterally of the City of Bakersfield.

CONNECTING ROUTE

1. Between Famoso and Paso Robles over and along U. S. Highway No. 466.

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MONTEREY BAY TERRITORY

1. Between San Jose and Santa Cruz over and along California State Highway No. 17.
2. Between Santa Cruz and Carmel over and along California State Highway No. 1, including the communities of Monterey and Pacific Grove and the Government installation at Fort Ord.
3. Between Gilroy and Watsonville over and along California State No. 152.
4. Between Castroville and the junction of California State Highway No. 156 and U. S. Highway No. 101 over and along California State Highway No. 156.
5. Between Salinas and Castroville over and along an unnumbered county road.
6. Between Salinas and Seaside over and along an unnumbered county road.

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MOTHER LODE TERRITORY

1. Between Marysville and Nevada City over and along California State Highway No. 20.
2. Between Grass Valley and Sonora over and along California State Highway No. 49.
3. Between Oakdale and Yosemite Junction over and along California State Highway No. 120, including the adjacent point of Knights Ferry.
4. Between Yosemite Junction and Strawberry over and along California State Highway No. 108, including the adjacent points of Standard, Tuolumne, Soulsbyville, Pinecrest, Beardsley Dam, and Donnell's Dam.
5. Between Lincoln and Newcastle over and along an unnumbered county road.
6. Between Nimbus and Placerville over and along U. S. Highway No. 50.
7. Between Sacramento and Drytown over and along California State Highway No. 16.
8. Between Stockton & Martell over and along California State Highway No. 88, including the off route point of Ione.
9. Between Lodi and San Andreas over and along California State Highway No. 12.
10. Between Stockton and Valley Springs over and along California State Highway No. 8.
11. Between Stockton and Altaville over and along California State Highway No. 4.

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SAN DIEGO TERRITORY

All Communities situated in and on the boundaries of the San Diego Territory as hereinbelow described:

San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 101E and 101W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

CONNECTING ROUTES

1. Between San Bernardino and San Diego over and along U. S. Highway No. 395.
2. Between San Diego and Holtville over and along U. S. Highway No. 80.

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Valley Express Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities as an express corporation, between:

1. Paxton and Quincy over and along U.S. Highway No. 40 Alternate.
2. Susanville and Leavitt over and along California State Highway No. 36 and available county roads.
3. Empire and Waterford over and along California State Highway No. 132.
4. Buellton and Surf over and along State Highway No. 150 including the installation of Vandenberg Air Force Base.
5. Santa Cruz and Carmel over and along California State Highway No. 1, including the Cities of Monterey and Pacific Grove and the Government installation at Fort Ord.
6. Marysville and Nevada City over and along California State Highway No. 20.
7. Grass Valley and Sonora over and along California State Highway No. 49.
8. San Diego and Holtville over and along U.S. Highway No. 80.
9. Between all points herein authorized.
10. Between all points herein authorized and all points Valley Express Co. is presently authorized to serve.

with the following exceptions:

- (a) Used household goods and personal effects not packed in accordance with the packing requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.

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- (b) 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.
- (c) 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.
- (d) 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.
- (e) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (f) Logs.
- (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix B

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