

ORIGINAL

Decision No. 60768

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 UNITED STATES EXPRESS, a corporation,)
 for a certificate of public conven-)
 ience and necessity to extend)
 highway common carrier service.)

Application No. 42111

Bertram S. Silver, for applicant.

Willard S. Johnson, for J. Christenson Co.
 and Hills Transportation Co.,
 interested parties.

O P I N I O N

On April 5, 1960, applicant filed its application herein requesting authority to extend its highway common carrier service. Applicant presently holds a certificate of public convenience and necessity to operate as a highway common carrier of general commodities between the San Francisco Territory, the Los Angeles Territory, Monterey and certain points in the area of Monterey, and San Diego subject to certain restrictions between certain points and places and along certain routes. Applicant proposes that the split pickup and delivery restrictions be removed and that it be authorized to extend its service in and out of Sacramento and intermediate points along U.S. Highway 40 between Oakland and Sacramento and along U.S. Highway 99 between Stockton and Sacramento.

Public hearing was held in San Francisco on June 23, 1960, before Examiner Cline. The matter was taken under submission July 14, 1960, upon the filing of late-filed Exhibits Nos. 1-A Revised and 7. The modifications in the proposed authority set

forth in Exhibit No. 1-A Revised were made so that there would be no opposition.

The evidence discloses that the applicant is able to furnish the proposed highway common carrier service. It has adequate equipment and personnel with the necessary experience. Its financial position is sound. Various shipper witnesses testified to the effect that they would use the proposed service and that they had a need therefor. They also testified that they used applicant's existing service which they found to be very satisfactory.

Exhibit No. 7 lists witnesses who would have testified substantially as follows:

1. That they have used the applicant, or would use the applicant, to points shown on the attached sheets.
2. That if they have used the applicant, it is because of better handling of freight, better pickup and delivery, and limited dock space problems.
3. That if they have not used the applicant to the extended territory, they desire to do so for reasons above stated.
4. That public convenience and necessity warrant a certificate to the applicant.

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 an in-lieu 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

Public hearing having been held, and based upon the evidence adduced therein and the application filed herein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to United States Express, 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 and places and over and along the routes and subject to the restrictions, as more particularly set forth in Appendices A, B, and C attached hereto.

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 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 authorizing the transportation of general commodities heretofore granted to or acquired by United States Express, which certificates are 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 20th day of September, 1960.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

United States Express, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between points and places over and along the following routes and within 20 miles of said points, places and routes:

1. U.S. Highways 101 and 101A between San Francisco Territory, as described in Appendix B attached hereto and San Ysidro.
2. California Highways 1 and 156 and unnumbered highways between Monterey and U.S. Highway 101 serving Watsonville, Salinas, Pacific Grove and Carmel.
3. U.S. Highway 99 between Los Angeles Basin Territory as described in Appendix C attached hereto and Sacramento.
4. California Highway 120 between Junction U.S. Highway 99 and Manteca.
5. California Highway 152 between Gilroy and Califa.
6. California Highways 130 and 65 between Fresno and Junction U.S. Highway 99 approximately 5 miles north of Bakersfield.
7. California Highway 33 between Tracy and Junction U.S. Highway 99.
8. All highways within the San Francisco and Los Angeles Basin Territories, as described in Appendices B and C attached hereto.
9. U.S. Highway 395 between Riverside and San Diego.
10. U.S. Highway 40 between Oakland and Sacramento.
11. U.S. Highway 50 between Oakland and Stockton.

Through routes and rates may be established between any and all points specified in subparagraphs 1 through 11 above.

Issued by California Public Utilities Commission.

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United States Express shall not haul (a) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment, and (b) commodities requiring special equipment and handling by reason of their size and weight, between the following points and places:

- (1) Between the San Francisco Territory or the Los Angeles Basin Territory, on the one hand, and points intermediate thereto, on the other hand, except (a) Watsonville, Salinas, Pacific Grove, and Carmel; (b) points locally within the said territories, and (c) when the shipment consists of component parts of a split pickup or delivery having either origin or destination in the San Francisco or Los Angeles Basin Territories.
- (2) Local and intermediate points (wherein both pickup and delivery occurs) between points north of the Los Angeles Basin Territory and south of the San Francisco Territory.
- (3) Between Vallejo and Sacramento over U.S. Highway 40 and between Sacramento and Galt over U.S. Highway 99.

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.
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. 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.
4. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

End of Appendix A

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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; southwestwesterly 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; southwestwesterly 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.

LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestly 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 point of beginning.