

ORIGINAL

Decision No. 61030

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
)
 CONSTRUCTORS TRANSPORT CO., a cor-)
 poration, for a certificate of public)
 convenience and necessity pursuant to)
 Sections 1063-1064 of the California)
 Public Utilities Code authorizing)
 extension of presently authorized)
 service as a highway common carrier)
 of commodities generally:)
)
 (A) Between points and places in the)
 Los Angeles Basin Territory as)
 defined:)
)
 (B) Between points and places in the)
 Los Angeles Basin Territory as)
 defined and all presently authorized)
 and proposed service territories;)
)
 (C) For the extension of authorized)
 service areas to include service)
 between points within a radius of)
 20 miles of Sacramento, and on and)
 within a radius of 10 miles on either)
 side of U. S. Highway 101, Cal. State)
 Highway 37, Cal. State Highway 48,)
 U. S. Highway 40, U. S. Highway 50,)
 Cal. State Highway 4, and Cal. State)
 Highway 24, and between such points,)
 on the one hand, and the San Francisco)
 Territory, on the other hand.)

Application No. 42091

Theodore W. Russell, of Glanz, Russell and
Schureman, for applicant.
Jackson W. Kendall, for Bekins Van Lines,
 interested party.

O P I N I O N

Constructors Transport Co., a corporation, is operating under permitted authority as a radial highway common carrier and a highway contract carrier. The applicant also operates as a highway common carrier under a certificate of public convenience and necessity granted by Decision No. 48899, in Application No. 32136, and Decisions Nos. 54557 and 54935, in Application No. 36074. These decisions

authorize the transportation of general commodities, with the usual exceptions, between San Francisco Territory and Sacramento, on the one hand, and Los Angeles Territory, on the other hand; also between all establishments, installations, or premises which are actually in use by the United States Departments of Defense, Army, Navy or Air Force, and any other point in California; also between the Los Angeles Area and the San Francisco Bay Area; the Los Angeles Area and the Sacramento Area; the San Francisco Bay Area and Sacramento and Stockton; and between the San Diego Area and the San Francisco Bay Area and Sacramento.

Applicant now requests a certificate of public convenience and necessity pursuant to Section 1063 of the Public Utilities Code as an extension and in lieu of Decisions Nos. 54557 and 54935, in Application No. 36074, authorizing the applicant to perform transportation of general commodities with the usual exceptions, from, to and between all points specified in Appendicies A, B, C and D attached hereto, which are by this reference made a part hereof. The applicant requests that Decision No. 48899, in Application No. 32136, remain as it is, since it pertains exclusively to services performed for the United States and its agencies.

Public hearings were held before Examiner Edward G. Fraser, on August 30, 1960, at Los Angeles, and on September 21, 1960, at San Francisco, California. Bekins Van Lines appeared as a protestant, but presented no evidence and changed its status to that of an interested party.

The vice president of the applicant testified that they perform a great deal of hauling for varied United States agencies. Some of applicant's drivers have been cleared to handle confidential information, since many missile parts and propellants are carried.

They also hope to use refrigeration equipment, furnished by the United States Government, but only to haul various missile components, which must be kept cool.

Applicant has 60 employees and operates with 28 tractors, 8 trucks, 48 trailers and 6 automobiles, out of terminals at Oakland, Sacramento and Montebello (Los Angeles). The applicant has operating authority from the Interstate Commerce Commission as well as its state permits and certificates. It hopes to continue operating six days a week, Sundays and holidays excluded.

Ten shipper witnesses testified in Los Angeles and eight more in San Francisco. They mentioned they now use the applicant to haul a wide range of commodities. They consider this service to be excellent and will use the applicant if the requested certificate is granted.

The evidence shows that there has been considerable recent industrial growth in the areas to which an extension now is requested. The applicant has customers who desire service into this extended area, and likewise they desire split pickup and split deliveries to be made therein.

The evidence further discloses that applicant is able to supply the extended service. The applicant has adequate equipment, has had the necessary experience, and is financially sound.

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 the extension of operating authorities requested by the applicant.

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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Constructors Transport Co., 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 as more particularly set forth in Appendices A, B, C and D attached hereto and made a part hereof.

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 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 operating authority granted by Decisions Nos. 54557 and 54935 is hereby cancelled, said cancellation 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 7th day of November, 1960.

President

Theodore J. ...
Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Constructors Transport Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between:

- A. San Francisco Territory, on the one hand, and the Los Angeles Basin Territory, on the other hand.
- B. All points and places in the Los Angeles Basin Territory.
- C. All points and places in the Sacramento Delta Region.
- D. All points and places in the San Francisco Territory on the one hand, and the Sacramento Delta Region, on the other hand.
- E. All points and places in the Sacramento Delta Region, on the one hand, and the Los Angeles Basin Territory, on the other hand.
- F. All establishments, installations or premises in California which are actually in use by the United States Department of Defense, Army, Navy, or Air Force.
- G. All points and places in California of the type described in Paragraph F above, on the one hand, and all other points and places in California, on the other hand.

The terms "San Francisco Territory", "Los Angeles Basin Territory", and the "Sacramento Delta Region" mean all points and places included within the boundaries of such territories as they are described in Appendices B, C and D attached hereto.

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.

Issued by California Public Utilities Commission.

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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, except when moving for the account of an agency of the United States Government.
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 refrigeration equipment except when moving for the account of an agency or contractor of the United States Government.
5. 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.
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.

The authority authorized in Subparagraph B above is subject to the restriction that, except as elsewhere authorized herein or as authorized in Decision No. 48899, no service shall be provided locally between two points both of which lie east of State Highway 39 and within the Los Angeles Basin Territory.

Issued by California Public Utilities Commission.

Decision No. 51030, Application No. 42091.

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; southwestly 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; southwestly 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.

APPENDIX C TO DECISION NO. _____

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.

APPENDIX D TO DECISION NO. _____

SACRAMENTO DELTA REGION includes all points in and within 20 miles of Sacramento, California, and all points on and within 10 miles on either side of the following highways:

- a. U. S. Highway 101 between San Francisco and its junction with California State Highway 37 at Ignacio, inclusive.
- b. State Highway 37 between its junction with U. S. Highway 101 at Ignacio and its junction with State Highway 48 near Sears Pt., inclusive.
- c. State Highway 48 from its junction with U. S. Highway 37 near Sears Pt. to its junction with U. S. Highway 40 northeast of Vallejo, inclusive.
- d. U. S. Highway 40 between San Francisco and Sacramento, inclusive.
- e. U. S. Highway 50 between Oakland and Sacramento, inclusive.
- f. State Highway 24 between Oakland and Sacramento, inclusive.
- g. California State Highway 4 between Stockton and its junction with U. S. Highway 40 near Pinole, inclusive.