

ORIGINALDecision No. 61050

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CALIFORNIA CARTAGE COMPANY, INC., a
corporation, for the extension of
its certificates of public conven-
ience and necessity as a highway
common carrier of property.

Application No. 42419

Ivan McWhinney, for applicant.
William R. Pippin, for Desert Express and
Victorville-Barstow Truck Lines,
interested parties.

O P I N I O N

By this application, filed June 28, 1960, California Cartage Company, Inc., a corporation, requests an extension of its highway common carrier operative rights to include service along U. S. Highway No. 101 to San Luis Obispo and the San Francisco Bay Area along U. S. Highways Nos. 99 and 50 serving intermediate points and off route points 10 miles laterally except Saugus and Newhall. It presently serves as a highway common carrier in the Los Angeles area and south to the San Diego area.

Public hearing was held in Los Angeles on October 5, 1960, before Examiner Rowe, at which time, evidence both oral and documentary, was adduced and the matter was duly submitted for decision.

The appearance of the two interested parties was withdrawn when applicant amended its application to exclude service to Rosamond, Edwards Air Force Base, Lancaster, Saugus and Newhall.

The undisputed evidence shows that more than 79 extensive shippers require the proposed service and that applicant is properly equipped, experienced, and financially able to adequately perform it. From this evidence of record the Commission finds that public convenience and necessity require that applicant be granted the extended highway common carrier rights requested. This will be accomplished by the issuance of a new certificate of public convenience and necessity 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

A public hearing having been held in the above-entitled matter and based upon the findings and conclusions hereinabove set forth,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to California Cartage Company, 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 Appendix A 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:

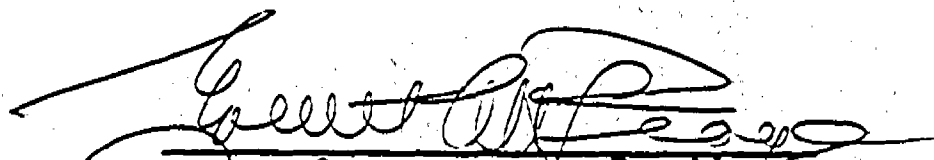
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual 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.

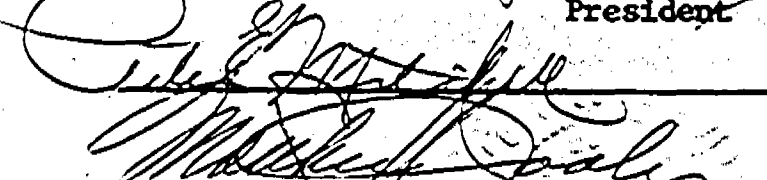
3. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes all existing certificates of public convenience and necessity authorizing the transportation of general commodities heretofore granted to or acquired by California Cartage Company, Inc., and presently possessed by it, including that contained in

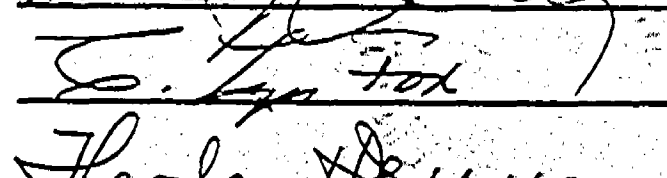
Decision No. 53643, in Application No. 36467, which are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of November, 1960.



President




Theodore J. Fox

Commissioners

California Cartage Company, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport general commodities, with the exceptions hereinafter noted, between the points and over the routes as follows:

1. Between the Greater Los Angeles Area and the San Francisco Territory, serving all intermediate points over U. S. Highway No. 99 and U. S. Highway No. 50, including Manteca and Stockton, and including all points located within 10 miles laterally of U. S. Highways Nos. 99 and 50 except Saugus and Newhall.
2. Between the San Diego Territory and San Luis Obispo, inclusive, serving all intermediate points over U. S. Highway No. 101 and U. S. Highway No. 101A including all points located within 10 miles laterally of U. S. Highways Nos. 101 and 101A.
3. Within the territories hereinafter described and to serve off-route points within 10 miles laterally of named highways except the points of Saugus and Newhall which applicant may not serve; it is also authorized to operate over all convenient streets and highways.

The three territories heretofore referred to are described as follows:

Greater Los Angeles Area

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 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.

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Highway No. 99; northwesterly along U. S. Highway No. 99 to and including the City of Redlands; westerly along U. S. Highway No. 99 to U. S. Highway No. 395; southerly along U. S. Highway No. 395 to Alessandro; westerly along unnamed country road to Arlington; southwesterly along State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 91 to State Highway No. 55; southerly along State Highway No. 55 to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101A; thence northerly along an imaginary line to point of beginning.

San Diego Territory

San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on U. S. 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.

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

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101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly 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, Harbor 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; southwesterly 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.

The authority herein granted does not include the right to render local service between points in the Greater San Diego Territory.

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. 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.

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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 refrigerated equipment.
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.

End of Appendix A

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