

ORIGINAL

Decision No. 61302

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
 JAKE STOKES and JOHNSON McMURPHY, }
 partners doing business as SWANSON'S }
 TRUCKING SERVICE for permission to }
 remove restrictions and for an ex- }
 pansion and reinstatement of its }
 Certificate of Public Convenience }
 and Necessity to operate as a High- }
 way Common Carrier. }

Application No. 41977

O P I N I O N

Jake Stokes and John McMurphy, doing business as Swanson's Trucking Service and presently rendering service as a highway common carrier, request authority to extend their operations.

Applicants are now authorized to transport general commodities between all points and places in the county of Stanislaus and between the San Francisco Territory, on the one hand, and points in Stanislaus County, Manteca and Ripon, on the other hand. Applicants are also authorized to transport commodities requiring refrigeration and canned goods between Stanislaus County and the Los Angeles Territory. They may also transport canned goods between Turlock and Modesto, on the one hand, and Stockton, on the other hand, as well as cement between Kentucky House, Permanente, Davenport and San Juan Bautista, on the one hand, and Stanislaus County, on the other hand.

Authority is sought to transport general commodities, with certain exceptions, in an area from Marin County and Redding on the north to the San Diego area on the south.

Applicants own and operate approximately 114 pieces of equipment. They maintain a terminal in Turlock. As of November 30, 1959 they indicated a net worth in the amount of \$106,252.61, and for

the eleven months ending November 30, 1959 realized a net profit in the amount of \$41,389.01.

It is alleged that applicants have been providing service within the proposed area for many years either as a permitted or certificated carrier; that their present certificated authority is so restricted as to competitively handicap their operations; and that they are continually requested by their customers to render the type of service herein proposed.

Copies of the application were served upon certificated carriers serving the proposed area. In addition, the Commission, by letter, requested the same carriers to indicate whether they would have any protest to the granting of the application. Only one protest was received and that was made by Nielsen Freight Lines. However, the protest was withdrawn upon the filing of a formal stipulation to the effect that applicants would provide no service north of Marin County and no service to, from or between points within Napa and Sonoma Counties.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the authority sought. A public hearing is not necessary.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Jake Stokes and Johnson McMurphy authorizing the transportation of property as a highway common carrier between the points and over the routes as set forth in Appendices A, B, C and D attached hereto and made a part hereof.

Jake Stokes and Johnson McMurphy, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities as follows:

1. Between all points and places in the Counties of Calaveras, Contra Costa, Sacramento, San Joaquin, Stanislaus and Merced.
2. Between points in the Counties set forth in paragraph 1 above, on the one hand, and, on the other hand, points in the following areas and on and along the following highways:
 - a. All points located within Marin County.
 - b. All points in the San Francisco Territory as described in Appendix B attached hereto.
 - c. All points in the Los Angeles Basin Territory as described in Appendix C attached hereto.
 - d. All points in the San Diego Territory as described in Appendix D attached hereto.
 - e. All points and places on and within 25 miles laterally of the following named highways:
 - (1) U. S. Highways 101 and 101 Alternate between San Jose and the northerly limits of the Los Angeles Basin Territory.
 - (2) U. S. Highway 101 between the southerly limits of the Los Angeles Basin Territory and the northerly limits of the San Diego Territory.
 - (3) U. S. Highway 40 between Richmond and Auburn, inclusive.
 - (4) U. S. Highway 50 between Hayward and Tracy, inclusive.
 - (5) U. S. Highways 99 and 99-W between Redding and Davis, inclusive.

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- (6) U. S. Highway 99-E between Red Bluff and Roseville, inclusive.
 - (7) State Highway 49 between Auburn and Mariposa, inclusive.
 - (8) State Highway 140 between Mariposa and the easterly limits of Merced County, inclusive.
 - (9) U. S. Highway 99 between the southerly limits of Merced County and San Fernando, inclusive.
 - (10) State Highway 33 between Dos Palos and Mettler Station, inclusive.
 - (11) U. S. Highway 395 between the southerly limits of the Los Angeles Basin Territory and Miramar, inclusive.
- 3.a. Through routes and rates may be established between any points in the areas or on the routes described in paragraph 2 above, on the one hand, and any other point in another area or on another route described in paragraph 2 above, on the other hand, except that applicants shall not perform local service between any points both of which are within any one territory or county or on any one route described in paragraph 2 above.
- b. Applicants may not operate to, from or between any point within Counties of Napa and Sonoma.
4. Applicants may use any and all highways and roads between the areas described for operating convenience only.
5. Applicants shall not transport any shipments of:
- a. 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.

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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. (See Note.)

NOTE: This exception does not apply when the vehicle is crated, or tendered as part of a mixed shipment with other commodities, provided said crated vehicle or vehicle tendered as a part of a mixed shipment is not transported in special truckaway equipment.

- 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. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- e. Fresh or green fruits or vegetables (not cold pack nor frozen) when:
- (1) The point of destination is a cannery, accumulation station, cold storage plant, precooling plant, or winery; or
 - (2) Transported from the field or point of growth to a packing plant, or packing shed. (See Exception).

EXCEPTION: Except for the transportation of citrus fruits in field boxes or in bulk, or avacados, the provisions of paragraph (e) will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.

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; southwestery 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; southwestery 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; southwestwardly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwardly 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; southwestwardly 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. 61302

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 (4 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.