

ORIGINAL

Decision No. 61586

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 GOULD TRANSPORTATION CO., INC., a  
 corporation, for an in lieu certificate  
 of public convenience and necessity to  
 operate as a highway common carrier  
 for the transportation of property and  
 to extend its present certificate of  
 public convenience and necessity.

Application No. 42343

Donald Murchison, for applicant.O P I N I O N

This application was filed on June 10, 1960. Public hearing was held before Examiner John Power at Los Angeles on November 2, 1960. There were no protests. At the conclusion of the hearing the matter was submitted.

Applicant presently has authority to transport limited commodities between the Los Angeles Basin Territory, minus the Hemet (eastern) part of it, on the one hand and San Francisco Territory and Sacramento on the other hand. The commodities presently authorized include foodstuffs, beverages, salt, wine, fertilizers and packaging or boxing items. Applicant has intermediate and 20-mile lateral rights. By the instant application it seeks, (a) to extend territorially into the eastern part of Los Angeles Basin Territory and (b) to have general commodity rights in the Los Angeles Basin-Watsonville segment of its operations.

Although approximately 100 carriers were served with copies of the application there were no protests either by mail or at the hearing. Evidence both oral and documentary was presented in support of the application.

It appears from the evidence that applicant, within the area in which general commodity authority is requested, has been helping to meet the basic transportation need. It further appears that enlarging the commodity list that may be carried would be to the advantage of numerous members of the public in that area. The requested extension into the eastern part of Los Angeles Basin Territory is a minor one and appears to be justified.

The Commission finds that public convenience and necessity require that the sought authority be granted. The certificate of applicant will be amended so as to effect this purpose. The description of San Francisco Territory in the present certificate will be brought up to date.

Gould Transportation Co., Inc., 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

An application having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to Gould Transportation Co., Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in

Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth in the sheets attached hereto and made a part hereof by paragraph 3 of this order.

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 one hundred twenty 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. Decision No. 54862, as amended by Decision No. 55153 in Application No. 36288 is hereby further amended by incorporating Second Revised Page 2 and Original Pages 3 and 4 to Appendix A thereof, and, Revised Appendix B and Revised Appendix C which pages and appendices are attached hereto and by this reference made a part hereof.

4. Decision No. 54862 as amended by Decisions Nos. 55153 and 55517 in Application No. 36288 and as further 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 28<sup>th</sup> day of February, 1961.

Carroll A. Page  
President  
John J. Mitchell  
John J. Fox  
George G. Grover  
Fredrick B. Blahoff  
Commissioners

7. MISCELLANEOUS COMMODITIES, VIZ:

Bags  
Pallets, Platforms or Skids for lift trucks  
Salt, common  
Wine

between:

Los Angeles Basin Territory as described in First Revised Appendix C attached hereto, on the one hand, and (a) San Francisco Territory, as described in First Revised Appendix B attached hereto, and intermediate points on U.S. Highways Nos. 101, 101 Alternate and 101 Bypass and State Highway 1, and (b) Sacramento and intermediate points on U.S. Highway No. 99, on the other hand.

Applicant is authorized to serve off-route points within 20 miles laterally of the highways named. The authority herein granted does not, however, include the right to serve any point on U.S. Highway No. 6 which lies north or east of U.S. Highway No. 99.

Gould Transportation Co., Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

FROM:

Watsonville and all points and places within a radius of twenty miles thereof, on the one hand,

TO:

All points in the Los Angeles Basin Territory as described in First Revised Appendix C attached hereto and all intermediate points on and within twenty miles laterally of U.S. Highway 101 between Salinas and the Los Angeles Basin Territory, inclusive, on the other hand.

Issued by California Public Utilities Commission.  
Decision No. 61586, Application No. 42343.

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.
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 refrigerator 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.
8. Logs.

Issued by California Public Utilities Commission.

Decision No. 61588, Application No. 42343.

9. 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.
10. Commodities likely to contaminate or damage other freight.
11. Explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10.
12. Commodities of exceptional size or weight which by reason of such size or weight require the use of special equipment.
13. Fresh or green fruits or vegetables, frozen or cold-packed.
14. Fresh or green fruits or vegetables, when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, precooling plant or winery.
15. Empty containers used or shipped out for use in connection with transportation described in subparagraph 14 above.

End of Appendix A

## APPENDIX B

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.

Revised: Decision No. 61588 .



## APPENDIX C

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.

Revised: Decision No. 6158E