

ORIGINAL

61587

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SPEEDY TRANSPORT, INCORPORATED, a)
 corporation, for a certificate of)
 public convenience and necessity)
 to operate as a highway common)
 carrier.)

Application No. 42573
 (Amended)

Francis X. Vieira, for applicant.
Willard S. Johnson and Earl Blincoe, for
 Blincoe Trucking Co; Willard S. Johnson,
 for Karlson Brothers Trucking Service;
 J. Christenson Company and Ted Peters
 Trucking Company; Donald A. Hughes, for
 Paxton Trucking Company; protestants.

O P I N I O N

By the amended application herein filed with the Commission on October 3, 1960, Speedy Transport, Incorporated, requests a certificate of public convenience and necessity as a highway common carrier as defined in Section 213 of the Public Utilities Code. Applicant seeks authority for the transportation of general commodities, with exceptions, as set forth in appendices attached hereto.

Applicant holds highway carrier permits and engages in motor vehicle transportation in the Counties of San Joaquin, Contra Costa, Merced, Sacramento and Stanislaus; and between said points and the San Francisco Territory, the Los Angeles Basin Territory, and intermediate points south of Redding on U. S. Highways Nos. 99, 99E, 99W and 50.

Public hearings were held in San Francisco October 27, 1960, and January 11, 1961 in Stockton, before Examiner Martin J. Porter, and the matter was submitted.

The protestants appeared at the San Francisco hearing. At the Stockton hearing none of the protestants appeared, and prior to the hearing the Examiner was advised by two of the parties representing protestants of their withdrawal from the proceedings.

This application was a result of the applicant's review of its business and its customers' business expansion showing a need for a certificate of public convenience and necessity.

The present equipment of the applicant is used to approximately 75 percent capacity and there has been no solicitation for new accounts as applicant's business has grown as present customers expand.

Exhibit B attached to the application lists 40 pieces of operating equipment.

Exhibit No. 8 shows gross revenue for the applicant of \$64,932.60 in 1954, and \$353,112.58 in 1959.

In Exhibit No. 9 the balance sheet shows as of November 30, 1960 total assets of \$89,733.21, total liabilities of \$62,298.72 for a total net worth of \$27,434.49; the income and earned surplus statement for an eleven-month period ending November 30, 1960 shows earned surplus of \$19,002.49.

Fourteen shipper witnesses testified. Applicant is prompt as to pickup and delivery time, provides good service, and possesses sufficient flat bed type of equipment to meet their needs. They would use the proposed service if authorized.

Exhibit No. 10 is a list of 26 additional shippers who, if called, would testify substantially the same as the witnesses called.

The types of commodities shipped included, in part, new and used steel, paint, hardware, lumber, tin cans, labels, canned goods, groceries, building material, tires, beer, bottles, sugar, syrups, boats, electronic parts and devices.

A summary of the testimony regarding the need for a 25-mile lateral from the named points or highways is that due to the shippers' expanding market and to the fact that many of the commodities shipped went to construction sites, government installations and business establishments located off the highways there was a need for this 25-mile lateral.

Upon consideration of all of the evidence adduced herein we find that public convenience and necessity require that the application be granted.

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 therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Speedy Transport, Incorporated, 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 Appendices A, B, C and D attached hereto and made a part hereof.

2. In providing service pursuant to the certificate of public convenience and necessity 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of FEBRUARY, 1961

[Signature]
President

[Signature]

[Signature]

Frederick B. Holhoff
Commissioners

Speedy Transport, Incorporated, by the certificate of public convenience and necessity granted in the decision noted in the margin, is hereby authorized to transport general commodities as follows:

- A. Between San Francisco, Richmond and Oakland Pickup and Delivery Zone as described in Appendix B attached hereto, on the one hand, and Fremont, Milpitas, Palo Alto, Redwood City, San Jose, Santa Clara and San Mateo, on the other hand.
- B. Between all points and places within the Counties of Contra Costa, Sacramento, San Joaquin, Stanislaus and Merced.
- C. Between all points and places on or within 25 miles laterally of the following highways:
 1. U. S. Highway 101 between Sausalito and Ukiah, inclusive.
 2. U. S. Highways 99, 99E and 99W between San Fernando and Redding, inclusive.
 3. U. S. Highway 50 between Hayward and the Nevada State Line, inclusive.
 4. U. S. Highway 40 between Sacramento and the Nevada State Line, inclusive.
 5. State Highway 120 between its junction with U. S. Highway 50 near Lathrop and Manteca, inclusive.

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6. State Highway 33 between its junction with U.S. Highway 50 near Tracy and Los Banos, inclusive.
 7. State Highway 152 between Los Banos and Califa, inclusive.
 8. State Highway 89 between its junction with U. S. Highway 40 near Truckee and Tahoe Valley, inclusive.
 9. State Highway 28 between Tahoe City and the Nevada State Line, inclusive.
- D. Between San Francisco Territory as described in Appendix C attached hereto, Los Angeles Basin Territory as described in Appendix D attached hereto and all points and places in B and C above.
- E. Through routes and rates may be established between any and all points and places in subparagraphs B, C and D above.
- F. Applicants may use any and all highways and roads between the areas described for operating convenience only.
- G. No local service is authorized between:
1. Points and places within the San Francisco Territory.
 2. Points and places within the Los Angeles Basin Territory.
 3. Points within the San Francisco Territory, on the one hand, and points on U. S. Highway 101, between Sausalito and Ukiah, inclusive, on the other hand.

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H. 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, transported on specially designed truck-away equipment.
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. Poles and piling as described in Item No. 690-N of Minimum Rate Tariff No. 2.
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.

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9. Fresh or green fruits or vegetables (not cold pack nor frozen) when:
- (a) The point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery.
 - (b) Transported from the field or point of growth to a packing plant, or packing shed (see Exception).

EXCEPTION

Except for the transportation of citrus in field boxes or in bulk, or avocados, the provisions of Paragraph 9 will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.

- (c) For the transportation of sugar beets, the point of destination is a beet sugar factory or a railroad loading dump.

End of Appendix A

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APPENDIX B TO DECISION NO. 61587

OAKLAND PICKUP AND DELIVERY ZONE includes all of the City of Emeryville, also those parts of Albany, Alameda, Berkeley, Oakland and Piedmont bounded by the following:

Beginning at San Francisco Bay and Alameda-Contra Costa County Line, thence easterly along said county line to Curtis Street, southerly on Curtis Street to Solano Avenue, easterly on Solano Avenue to Tulare Avenue, southerly and westerly along city limits boundary line of Albany to Ordway Street, southerly on Ordway Street to Hopkins Street, northeasterly on Hopkins Street to Grove Street, southerly on Grove Street to Rose Street, easterly on Rose Street to Oxford Street, southerly on Oxford Street to Hearst Avenue, easterly and southerly along the city limit boundary line of Berkeley to Dwight Way, southwesterly and westerly on Dwight Way to College Avenue, southerly on College Avenue to Broadway, southwestery on Broadway to Mather Street, easterly on Mather Street and Pleasant Valley Avenue to Rose Avenue, southwestery on Rose Avenue to Echo Avenue, southerly on Echo Avenue to Linda Avenue, easterly on Linda Avenue to Grand Avenue, southerly on Grand Avenue to Mandana Boulevard, easterly on Mandana Boulevard to Lakeshore Avenue, westerly on Lakeshore Avenue to Excelsior Avenue, easterly on Excelsior Avenue to Hopkins Street, easterly on Hopkins Street to 55th Avenue, southwestery on 55th Avenue to Camden Street, southeasterly on Camden Street to Seminary Avenue, northeasterly on Seminary Avenue to Outlook Avenue, southeasterly on Outlook Avenue to Parker Avenue, southerly on Parker Avenue to Foothill Boulevard, southeasterly on Foothill Boulevard to the Oakland-San Leandro boundary line, westerly along the Oakland-San Leandro boundary line and its prolongation to Edes Avenue, northwesterly on Edes Avenue to Jones Avenue, westerly on Jones Avenue to 98th Avenue, easterly on 98th Avenue to Railroad Avenue, northwesterly on Railroad Avenue and its prolongation to 50th Avenue, southwestery on 50th Avenue to San Leandro Bay, northwesterly along the shore line of San Leandro Bay and Oakland Inner Harbor to Oakland Middle Harbor, northerly along shore line of Oakland Middle Harbor and Oakland Outer Harbor and San Francisco to point of beginning;

- also -

City of Alameda, beginning at High Street and Oakland Inner Harbor, thence southerly, westerly and northerly along the shore line to the mouth of the Oakland Estuary, thence easterly along the Alameda shore line of the Oakland Estuary to starting point; including Government Island.

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; northeasterly 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.

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.