

Decision No. 62026

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
ARROYO GRANDE TRUCK COMPANY, a corpora-  
tion, for an expansion and restatement  
of its certificate of public conveni-  
ence and necessity authorizing highway  
common carrier service.

Application No. 42834  
(As Amended)

E. H. Griffiths, for applicant.

Alexander D. Calhoun, Jr., and Thomas R. Dwyer, for  
Delta Lines, Inc., and Merchants Express Corpora-  
tion, protestants.

O P I N I O N

Applicant has been operating as a highway common carrier under the authority of four certificates of public convenience and necessity issued by this Commission generally between points in Southern California, on the one hand, and points in the Bay Area, on the other hand, via U.S. Highway 101, with service to some intermediate points and local service between other points. By the present application, as amended, applicant requests that its authority be expanded to include local service for the transportation of general commodities between King City and San Jose and between Salinas and Gilroy and the Santa Cruz-Monterey area.

Public hearing was held in San Francisco on February 27, 1961 before Examiner Rowe at which time evidence was adduced and the matter duly submitted.

As justification, the application alleges that this carrier has operated as a radial highway common carrier within all the territory herein proposed to be served as a highway common carrier; that shippers served under permits have requested applicant to serve them to and from points in the area concerned to an extent which is beyond

its permitted authority; and that they are continually requesting service to, from and between all points on its present authorized system and, in many instances, to and from these points not in such system. If the requested authority is granted applicant feels it can and will render to its present highway common carrier customers and the public generally a full and complete common carrier service which is required in the public interest.

Applicant produced witnesses representing some of its largest shippers who testified that there is a public need for the proffered service. Protestant Delta Lines, Inc., produced its president as a witness and he described generally that carrier's facilities, equipment and service. Competition between this carrier and applicant will result in the Santa Cruz area and between San Jose and Gilroy. Merchants Express introduced no evidence as to any adverse effect of granting this application.

Based upon the evidence of record the Commission finds that public convenience and necessity require that Arroyo Grande Truck Company be granted additional operative rights as requested. This will be accomplished by issuing two new certificates of public convenience and necessity covering applicant's present and new rights and by the cancellation of all of its present certificated rights. One certificate will cover farm produce and the other general commodities. In view of the involved nature of applicant's operative rights it will be accorded sixty days in which to accept the new certificates.

Arroyo Grande Truck Company 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 and based upon the above findings,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Arroyo Grande Truck Company, a corporation, authorizing the transportation of property described in the following Appendices, 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 Paragraph A of Appendix A and Appendix C, hereof.

2. A second certificate of public convenience and necessity is hereby granted to Arroyo Grande Truck Company, 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 Paragraph B of Appendix A and in Appendix B and Appendices C, D, E and F hereof.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within sixty days after the effective date hereof, applicant shall file a written acceptance of the certificates herein granted. By accepting the certificates of public convenience and necessity herein granted applicant is placed on notice that it will

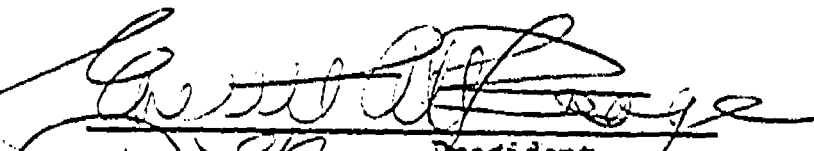

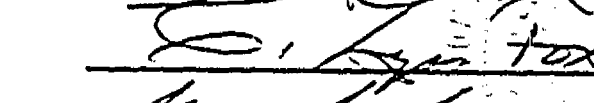
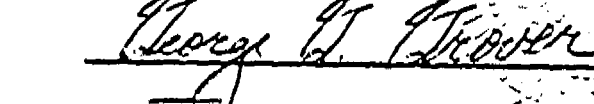
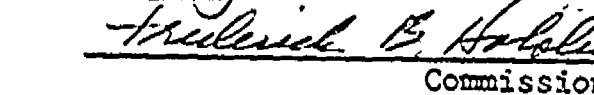
be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. Failure to file such reports, in such form and 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 and 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.

4. The certificates of public convenience and necessity granted in paragraphs 1 and 2 of this order supersede all existing certificates of public convenience and necessity heretofore granted to or acquired by Arroyo Grande Truck Company, which certificates, being issued or acquired pursuant to Decision No. 47206, Decision No. 56421, Decision No. 57825, and Decision No. 58273, are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

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

Dated at San Francisco, California, this 22nd day of May, 1961.

  
President  
  
  
  
  
Commissioners

A. Arroyo Grande Truck Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities, as follows:

1. Between all points and places in the San Francisco Territory as described in Appendix C attached hereto.
2. Between all points and places on and within five miles laterally of the following named highways:
  - a. U.S. Highway 101 Alternate between its junction with U. S. Highway 101 at El Rio and Point Mugu, inclusive.
  - b. State Highway 118 between its junction with U.S. Highway 101 near Ventura and Santa Susana, inclusive.
  - c. State Highway 126 between Ventura and its junction with U.S. Highway 99 at Castaic Junction, inclusive.
  - d. U.S. Highway 399 between Ventura and Wheeler Hot Springs, inclusive.
  - e. State Highway 150 between Santa Ynez and Surf, inclusive, including the off-route point of Point Arguello Naval Missile Facility.
  - f. State Highway 1 between Lompoc and Pismo Beach, inclusive, including the off-route point of Vandenberg Air Force Base.
  - g. Unnumbered county road between its junction with U.S. Highway 101 near Los Alamos and Santa Maria, inclusive, via Sisquoc and Garey.
  - h. Unnumbered county highway between Santa Margarita and Atascadero, inclusive.
  - i. U.S. Highway 101 between Atascadero and San Miguel, inclusive, including the off-route point of Camp Roberts Military Reservation.

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- j. Unnumbered county highway known as Watsonville Highway between Salinas and Castroville, inclusive.
  - k. State Highway 1 between Castroville and Aptos, inclusive.
  - l. U.S. Highway 101 between Gilroy and Madrone, inclusive.
3. Between all points on the following named highways:
- a. U.S. Highway 101 between Thousand Oaks and San Jose, inclusive.
  - b. State Highway 23 between Fillmore and Moorpark, inclusive.
  - c. State Highway 150 between Santa Paula and Carpinteria and between Santa Barbara and Santa Ynez, inclusive.
  - d. State Highway 1 between Las Cruces and Lompoc, inclusive.
  - e. State Highway 1 between San Luis Obispo and San Simeon, inclusive.
  - f. State Highway 41 between Paso Robles and Cambria, inclusive.
  - g. Unnumbered county highway known as Salinas Monterey Highway between Salinas and Monterey, inclusive, including the off-route point of Spreckels.
  - h. State Highway 1 between Carmel and Santa Cruz, inclusive, including the off-route point of Fort Ord Military Reservation.
4. Through routes and rates may be established between any and all points described in subparagraphs 1 through 3 above.
5. Applicant 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. 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.
- c. 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.
- d. Petroleum products in bulk in tank trucks or tank trailers.
- e. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- f. Logs.
- g. Fresh fruits and vegetables.

B. Applicant is also authorized to transport the following commodities as an extension of and to be consolidated with the authority described in Paragraph A hereof:

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1. Cattle and Poultry Feed, Seeds, Fertilizer (including unrefined sulphur), Insecticides, Lumber, Cement, and Building Materials in quantities of not less than 4,000 pounds per shipment from one consignor to one consignee

FROM Los Angeles, San Pedro, Wilmington, Vernon, South Gate, Huntington Park, Long Beach, Inglewood, Glendale, Pasadena, San Francisco, South San Francisco, Oakland, San Leandro, Berkeley, Emeryville, San Jose, Santa Clara and Permanente

TO Arroyo Grande and points within a three-mile radius thereof.

2. a. AGRICULTURAL IMPLEMENTS, HAND, OR PARTS NAMED, as listed under that heading in Items Nos. 2710 through 3191 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- b. AGRICULTURAL IMPLEMENTS, OTHER THAN HAND, as listed under that heading in Items Nos. 3205 through 4051 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- c. AGRICULTURAL IMPLEMENT PARTS, OTHER THAN HAND, as listed under that heading in Items Nos. 4065 through 4661 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- d. BASKETS OR HAMPERS, as listed under that heading in Items Nos. 10320 through 10670 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- e. BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULPBOARD, BOTTLES OR CANS, as listed under that heading in Items Nos. 13845 through 14646 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- f. FERTILIZERS, as listed under that heading in Items Nos. 535, and 550 of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal.P.U.C. No. 193, J. P. Haynes, Agent, on the issue date thereof and Item No. 540A of Supplement No. 34 thereto.

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- g. FISH, FRESH OR FROZEN, as listed under that heading in Items Nos. 38505 through 38575 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- h. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39410 through 41150 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- i. INSECTICIDES OR FUNGICIDES, AGRICULTURAL, as listed under that heading in Items Nos. 52960 through 53110 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
- j. MISCELLANEOUS COMMODITIES, VIZ.:
  - Flowers, fresh, cut.
  - (1) Between all points and places in the San Luis Obispo-Santa Maria Area as described in Appendix F attached hereto.
  - (2) Between all points and places in said San Luis Obispo-Santa Maria Area, on the one hand, and Los Angeles, on the other hand.
  - (3) Between all points and places in said San Luis Obispo-Santa Maria Area, Oxnard and points within a five-mile radius of Oxnard, on the one hand, and points within a five-mile radius of Salinas, and points on or within five miles laterally of the following named highways, on the other hand:
    - (a) State Highway 1 between Aptos and San Francisco, inclusive.
    - (b) U.S. Highway 101 between Salinas and the San Francisco Territory as described in Appendix C attached hereto, inclusive.

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3. Sugar

BETWEEN Crockett, on the one hand,  
AND Sunnyvale, Palo Alto, Redwood City and  
San Jose, on the other hand.

C. 1. Through routes and rates may be established  
between any and all points described in Paragraphs A and B above.

2. Applicant may use any streets, roads or highways  
between the areas described for operating convenience only.

End of Appendix A

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Arroyo Grande Truck Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport Fruits, fresh or green(not cold pack nor frozen), Vegetables, fresh or green (not cold pack nor frozen), and empty carriers returning, as follows:

1. Between points in the San Francisco Territory as described in Appendix C attached hereto, on the one hand, and points in the Los Angeles Territory as described in Appendix D attached hereto, on the other hand. Applicant shall not transport any shipments having both points of origin and destination within the San Francisco Territory or within the Los Angeles Territory. No service is authorized to or from intermediate points except as hereinafter authorized.
2. Between points on the following named highways:
  - a. U. S. Highway 101 between Paso Robles and Thousand Oaks, inclusive, including the off-route points of Camp Roberts, Avila, Garey, Sisquoc and Los Olivos.
  - b. State Highway 41 between Paso Robles and Cambria, inclusive.
  - c. State Highway 1 between Cambria and Las Cruces, inclusive, including the off-route points of Camp San Luis Obispo, Vandenberg Air Force Base (formerly Camp Cooke), Betteravia and Casmalia.
  - d. State Highway 166 between Guadalupe and Santa Maria, inclusive.
  - e. Unnumbered county road known as Orcutt Road between Santa Maria and Orcutt, inclusive.

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- f. State Highway 150 between Lompoc and Santa Barbara and between Carpinteria and Santa Paula, inclusive.
  - g. U. S. Highway 101A between its junction with U. S. Highway 101 at El Rio and Point Mugu, inclusive, including the off-route points of Hollywood Beach and Port Hueneme.
  - h. U. S. Highway 399 between Ventura and Wheeler Hot Springs, inclusive.
  - i. State Highway 126 between Ventura and its junction with U. S. Highway 99 at Castaic Junction, inclusive.
  - j. State Highway 118 between its junction with U. S. Highway 101 near Ventura and Santa Susana, inclusive.
  - k. State Highway 23 between Fillmore and Moorpark, inclusive.
  - l. Unnumbered county road known as Somis Road between Camarillo and its junction with State Highway 118 near Somis, inclusive.
  - m. Through routes and rates may be established between any and all points described in subparagraphs 2a through l above.
3. a. Between points on U. S. Highway 101 between King City and Atascadero and unnumbered county highway between Atascadero and Santa Margarita, including Santa Margarita but excluding King City.
- b. Between points described in paragraph 3a above, on the one hand, and points on the following highways, on the other hand:
- (1) U. S. Highways 101 and 101 Bypass between King City and San Francisco, inclusive.

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- (2) State Highway 17 between San Jose and Richmond, inclusive, including the off-route point of Alameda.
  - (3) State Highway 9 between Sunnyvale and Hayward, inclusive.
  - (4) U. S. Highway 50 between San Francisco and Hayward, inclusive.
  - (5) U. S. Highway 40 between San Francisco and Richmond, inclusive.
4. FROM all points and places in the San Luis Obispo-Summerland Territory as described in Appendix E attached hereto  
TO Los Angeles, San Pedro, Wilmington, Vernon, South Gate, Huntington Park, Long Beach, Inglewood, Glendale, Pasadena, San Jose, San Francisco, South San Francisco, Oakland, San Leandro, Berkeley and Emeryville.
5. a. Between all points and places in the San Luis Obispo-Santa Maria Area as described in Appendix F attached hereto.
- b. Between points in the said San Luis Obispo-Santa Maria Area, on the one hand, and Los Angeles, Oxnard and points within a five-mile radius of Oxnard, on the other hand.
- c. Between points in the said San Luis Obispo-Santa Maria Area, Oxnard and points within a five-mile radius of Oxnard, on the one hand, and the following points, on the other hand.

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- (1) All points and places in the San Francisco Territory as described in Appendix C attached hereto.
  - (2) Salinas and points within a five-mile radius of Salinas.
  - (3) Points on or within five miles laterally of the following named highways:
    - (a) State Highway 1 between Castroville and San Francisco, inclusive.
    - (b) U. S. Highway 101 between Salinas and San Jose, inclusive.
    - (c) Unnumbered county highway known as Watsonville Highway between Salinas and Castroville, inclusive.
  - d. Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs 5a, b and c.
6. Applicant may use any and all streets, roads or highways between the areas described in paragraphs 1 through 5 above for operating convenience only.

End of Appendix B

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APPENDIX C TO DECISION NO. 62026

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; 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, 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; 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.

APPENDIX D TO DECISION NO. 62026

LOS ANGELES TERRITORY includes that area embraced by the following boundary: 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 State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation 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. 101, Alternate; thence northerly along an imaginary line to point of beginning.



APPENDIX E TO DECISION NO. 62026

SAN LUIS OBISPO-SUMMERLAND TERRITORY means all points and places on the following named highways or within the following described area:

1. State Highway 1 between Morro Bay and San Luis Obispo, inclusive.
2. U.S. Highway 101 between San Luis Obispo and Summerland, inclusive.
3. The area lying ten miles easterly of U.S. Highway 101 and, on the opposite side, between said highway and the Pacific Ocean between San Luis Obispo and Summerland.

APPENDIX F TO DECISION NO. \_\_\_\_\_

SAN LUIS OBISPO-SANTA MARIA AREA means San Luis Obispo, Santa Maria, points within 10 miles of each of these cities, points on or within 10 miles laterally of U.S. Highway 101 between these cities, Guadalupe, Morro Bay, points within 5 miles of Guadalupe, and points on or within 5 miles laterally of State Highway No. 1 between Guadalupe and Morro Bay.