

**ORIGINAL**Decision No. 70299

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 C-LINE EXPRESS, a California corpo-  
 ration, for a certificate of public  
 convenience and necessity to enlarge  
 territory authorized to be served as  
 a highway common carrier for the  
 transportation of General Commodities.

Application No. 47598  
 (Filed May 19, 1965)

C. R. Nickerson, for applicant.  
E. Myron Bull, Jr., for Delta Lines, Inc.,  
 Oregon-Nevada-California Fast Freight,  
 Pacific Motor Trucking Company, Ringsby-  
 Pacific, Ltd. and Walkup's Merchant  
 Express, protestants.

O P I N I O N

Duly noticed public hearings were held before Examiner Rowe in Napa on August 25 and in San Francisco on October 7, 1965.

The application as amended was protested by five highway common carriers, but only Delta Lines, Inc., introduced any evidence.

C-Line Express is presently engaged in the transportation of general commodities, with certain exceptions, between San Francisco and Oakland and certain off-route points, on the one hand, and Calistoga, on the other, serving intermediate points over certain highway routes specifically described in Exhibit "A" attached to the application. Such authority was granted by the Commission in Decisions Nos. 58268, 58406, 63051 and 66392 in Applications Nos. 40687 and 45939. C-Line Express also operates as a radial highway common carrier under Permit No. 1-6043 and Highway Contract Carrier Permit No. 1-6044. The equipment to be used in the performance of the service herein proposed is that presently owned or operated under lease by C-Line Express.

Applicant is alleged to be primarily a less-than-truckload carrier, although its present certificate is not so limited. Upon request, it transports shipments in full truckload lots. Traffic presently handled by applicant is primarily destined to points served which are located in Napa County. The return flow of traffic destined to San Francisco or Oakland is somewhat lighter than outbound.

C-Line Express requests an order for the enlargement of its presently authorized territory so as to serve between San Francisco, Oakland, Vallejo, Napa, Yountville, Oakville, Rutherford, St. Helena and all intermediate points located on U. S. Highway 40 between San Francisco-Oakland and the junction of U. S. Highway 40 and California Highway 29 on said Highway 29 between its junction with U. S. Highway 40 and Calistoga, also off-route points of Benicia and Mont La Salle, on the one hand, and on the other, Mankas Corner (off-route), Knoxville, Monticello Dam, Moskowitz's Corners, Pope Valley, Steele Canyon Park, all intermediate points located on or within 5 miles laterally of the following described State or unnumbered highways, including all of the Lake Berryessa resort area:

- a. Between Napa and Moskowitz's Corners via California Highway 121.
- b. Between Moskowitz's Corners and Knoxville via California Highway 128 and Knoxville Road.
- c. Between Knoxville and St. Helena via Knoxville Road to Pope Valley Junction, thence via Pope Canyon Road to Pope Valley, thence via unnumbered highways to St. Helena.
- d. Between Moskowitz's Corners and Rutherford via California Highway 128.
- e. Between Moskowitz's Corners and Steele Canyon Park via Steele Canyon Road.
- f. Between Moskowitz's Corners and Monticello Dam via California Highway 128.
- g. Between Monticello Dam and its junction with U. S. Highway 40 via California Highway 128 and Pleasants Valley Road.

- h. Between Vallejo and Cordelia via U. S. Highway 40, thence Suisun Valley Road to Markas Corners Junction, thence via Wooden Valley Road to its junction with California Highway 121.

No authority is sought to serve locally between San Francisco, Oakland and San Pablo, or points intermediate between Oakland or San Francisco and San Pablo, or between Oakland or San Pablo, on the one hand, and Cordelia, on the other.

Applicant further requests that an order of the Commission be made authorizing departure from Section 491 of the Public Utilities Code in order that rates, charges and other tariff provisions may be established as to intrastate traffic upon not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of said order.

C-Line proposes, if the requested service authorized, to provide biweekly service as an extension of its present common carrier service. Under present plans, scheduled service will be on Tuesday and Friday of each week, leaving carrier's terminal at Napa at 1:00 a.m. Such service will be increased, if necessary, to meet the requirements of the rapidly developing area.

C-Line is presently serving the area on an irregular basis under the authority of its radial highway common carrier permit. Such operation, however, precludes the establishment of joint through rates or the offering of split deliveries involving present and proposed territory. In the event this application is granted, C-Line proposes to establish in its applicable tariffs, local rates and charges, including split delivery provisions as well as through joint rates and charges and other applicable tariff provisions presently carried in its existing tariffs.

C-Line proposes to publish rates, rules and regulations for application to local service rendered into the extended area on the same general level as those provided in the Commission's Minimum Rate Tariff No. 2. Joint through rates will be established in tariffs in which applicant presently participates.

The applicant stated that while the predominant portion of the potential traffic here involved will be intrastate in character, some traffic, especially transportation of furniture, definitely have interstate origin or destination points. Therefore, it has filed one copy of this application with the Interstate Commerce Commission under Section 206(a) of the Interstate Commerce Act, paragraphs (6) and (7). Applicant requests authority to serve the proposed area in interstate or foreign commerce as well as intrastate. Notice of this application appeared in the Federal Register on June 23, 1965.

Nine public witnesses appeared and testified in support of this application. Three, including the Park Director employed by the County of Napa, testified that there was an increasing need for applicant's service. Others represented building contractors and construction suppliers, automotive and radio and television dealers as well as furniture stores and soft drink establishments. The latter two received lading from outside the State.

In the San Francisco hearing the general traffic manager of protestant Delta Lines, Inc. testified to the effect that its service was efficient and adequate to serve its own customers to points along U. S. Highway 40 to Fairfield, Vacaville and Suisun. The testimony presented by a witness for Delta as to any adverse effect the granting of the application would have upon it was inconclusive. He disclaimed any opposition to service to the Lake Berryessa-Pope Valley Areas.

The Commission finds that:

1. Public convenience and necessity require that the application be granted as it relates to intrastate commerce except as to Cordelia.

2. Public convenience and necessity require that applicant be authorized to engage in interstate and foreign commerce within the limits of the intrastate authority herein granted, and to that extent, as requested in its publication in the Federal Register.

3. None of the protestants will be materially prejudiced by the grant of operative rights as requested in this application.

The Commission concludes that the application should be granted to the extent set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. Appendix A to Decision No. 58268, dated April 14, 1959, in Application No. 40687, as heretofore amended, is further amended by incorporating therein Third Revised Page 1, First Revised Page 2 and Original Page 3, attached hereto, in revision of Second Revised Page 1 and Original Page 2.

2. As herein amended, said Decision No. 58268 is continued in full force and effect.

3. Applicant is authorized to register the intrastate authority herein granted with the Interstate Commerce Commission for operations in interstate and foreign commerce as indicated in Appendix A hereto attached.

4. 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 of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-D. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the safety rules, or the provisions of General Order No. 100-D, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

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

Dated at San Francisco, California, this 1st day of FEBRUARY, 1966.

Frederick B. Hollings  
President

Edward E. [unclear]

George E. Hoover

[unclear]

[unclear]  
Commissioners

C-Line Express is authorized to transport general commodities:

1. Between all points and places on the following highways. (See Exception):
  - a. U.S. Highway 40 between San Francisco and the junction of said highway and State Highway 29, inclusive, including the off-route point of Benicia; and
  - b. State Highway 29 between the junction of said highway and U.S. Highway 40 and Calistoga, inclusive, including the off-route point of Mont La Salle.

EXCEPTION: No local service is authorized between San Francisco, Oakland and San Pablo and intermediate points.

2. Between all points and places specified in paragraph 1, on the one hand, and, on the other hand, all points and places on and within five miles laterally of the following highways including all of the Lake Berryessa resort area. (See Exception):
  - a. State Highway 121 between Napa and Moskowitz's Corners, inclusive;
  - b. State Highway 128 between Moskowitz's Corners and the junction of said highway with Knoxville Road, inclusive;
  - c. Knoxville Road between the junction of said road and State Highway 128 and Knoxville, inclusive;
  - d. Knoxville Road between Knoxville and Pope Valley Junction, inclusive;
  - e. Pope Canyon Road between Pope Valley Junction and Pope Valley, inclusive;
  - f. Unnumbered highways between Pope Valley and St. Helena, inclusive;
  - g. State Highway 128 between Moskowitz's Corners and Rutherford, inclusive;
  - h. Steele Canyon Road between Moskowitz's Corners and Steele Canyon Park, inclusive;

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- i. State Highway 128 between Moskowitz's Corners and Monticello Dam, inclusive;
- j. State Highway 128 between Monticello Dam and the junction of said highway with Pleasants Valley Road, inclusive;
- k. Pleasants Valley Road between the junctions of said road with State Highway 128 and U.S. Highway 40, inclusive;
- l. U.S. Highway 40 between Vallejo and the junction of said highway with Pleasants Valley Road, inclusive;
- m. Suisun Valley Road between the junctions of said road with U.S. Highway 40 and Wooden Valley Road, inclusive, including the off-route point of Mankas Corner; and
- n. Wooden Valley Road between the junctions of said road with Suisun Valley Road and State Highway 121, inclusive.

EXCEPTION: No service is authorized to or from Cordelia.

Applicant may use the highways named in this order and any other public roadways necessary or convenient to perform the service authorized by this order.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the definition of crated property as set forth in Item No. 5 of Minimum Rate Tariff No. 4-B.
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 protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.

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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. High explosives.

(END OF APPENDIX A)

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