

ORIGINAL

Decision No. 74664

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DEVINE & SON TRUCKING CO., a)
California corporation, for a)
certificate of public convenience)
and necessity to extend intrastate)
highway common carrier rights.)

Application No. 50357
(Filed June 27, 1968;
Amended August 6, 1968)

O P I N I O N

Devine & Son Trucking Co., presently rendering service as a highway common carrier, requests authority to transport lumber and forest products, in shipments of 20,000 pounds or more, to all points within the State of California north of Santa Barbara.

The proposed service would be "on-call" and would be provided with applicant's existing equipment. The proposed rates would be on the same level as that provided in the Commission's Minimum Rate Tariff No. 2. As of March 31, 1968, applicant indicated a net worth in the amount of \$317,822.

It is alleged that applicant presently operates as a certificated carrier in the transportation of lumber and forest products in an area from Santa Cruz and Merced on the south to Fort Bragg, Redding and Susanville, on the north; it serves a large number of shippers on a day-to-day basis; and various shippers and receivers of lumber and forest products have requested applicant to extend its service as proposed.

A copy of the application was served upon the California Trucking Association. No protest has been received.

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

Applicant's operating authority will be restated in the form of a new certificate.

O R D E R

IT IS ORDERED that;

1. A certificate of public convenience and necessity is granted to Devine & Son Trucking Co., a corporation, authorizing it to operate in intrastate commerce as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for transportation of the commodities and between the points particularly set forth in First Revised Pages 8, 9, 10, 11 and Original Page 12 to Appendix A of Decision No. 59845.

2. Appendix A of Decision No. 59845 is amended by cancelling therefrom Original Pages 8, 9, 10 and 11 and by incorporating therein First Revised Pages 8, 9, 10 and 11 and Original Page 12, attached hereto and made a part hereof.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, 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.

- (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 five days after the effective date of this order on not less than five 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.
- (e) Applicant, in establishing and maintaining the rates for the service authorized herein, is hereby permitted to depart from the provisions of Section 460 of the Public Utilities Code necessary to adjust long- and short-haul departures, and schedules containing the rates published under this authority shall make reference to this order.
- (f) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 11th
day of SEPTEMBER, 1968.

William J. Sproule, Jr.
President
John E. Bickell
William L. Bennett
August
Jack P. Monroney
Commissioners

APPENDIX A
(Dec. 59845)

DEVINE & SON TRUCKING CO.
(a corporation)

First Revised Page 8
Cancels
Original Page 8

32. State Highway 20 between Upper Lake and the junction of said highway with U. S. Highway 40 near Emigrant Gap, inclusive;
33. State Highway 49 between Jacksonville and Sattley, inclusive.
34. U. S. Highway 299 between Big Bar and Alturas, inclusive;
35. U. S. Highway 97 between Weed and California-Oregon State Line, inclusive;
36. State Highway 44 between Redding and Manzanita, inclusive;
37. State Highway 139 between Canby and California-Oregon State Line, inclusive.
38. State Highway 17 between Oakland and Santa Cruz, inclusive;
39. State Highway 9 between Oakland and Santa Cruz, inclusive;
40. State Highway 5 between San Francisco and the junction of said highway with State Highway 9 near Saratoga, inclusive;
41. State Highway 132 between Vernalis and Coulterville, inclusive;
42. State Highway 120 between Mossdale Wye and the junction of said highway with State Highway 49, three miles southwest of Jamestown, inclusive;
43. Unnumbered county road between Coulterville and Jacksonville, inclusive;
44. State Highway 128 between Rutherford and Davis, inclusive; and
45. State Highway 37 between the junction of said highway with State Highway 128, eighteen miles east of Rutherford, and Ignacio, inclusive.

Exception 1: No local service shall be rendered between points and places in San Francisco-East Bay Cartage Zone as described in Appendix B attached hereto, on the one hand, and points and places in Marin, Sonoma and Napa Counties north of San Rafael, on the other hand.

Issued by California Public Utilities Commission.

Decision No. 74664, Application No. 50357.

APPENDIX A
(Dec. 59845)

DEVINE & SON TRUCKING CO.
(a corporation)

First Revised Page 9
Cancels
Original Page 9

Exception 2: Service from, to or between points on and within 10 miles laterally of U. S. Highway 99 between Castella, including Castella, and Hilt, but excluding Hilt, shall be restricted to the transportation of those commodities and quantities as are provided in paragraphs A and B of this appendix.

Through routes and rates may be established between any and all points and places specified in subparagraphs 1 through 45, inclusive, of paragraph C of this appendix.

Applicant shall not, under the authority granted by paragraphs A, B and C hereto, 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.

Issued by California Public Utilities Commission.

Decision No. 74664, Application No. 50357.

APPENDIX A
(Dec. 59845)

DEVINE & SON TRUCKING CO.
(a corporation)

First Revised Page 10
Cancels
Original Page 10

7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
 8. Logs, lumber and forest products.
 9. Fresh or green fruits and fresh or green vegetables having origin in fields of growth and consigned to cold storage, canneries, packing sheds, packing houses, or other processing facilities, or consigned to reshipping points.
 10. Cans, iron or steel, tin plated or not tin plated, with or without ends.
 11. Cotton and cotton linters.
 12. Commodities which because of length, height, width, or weight ordinarily require the use of specialized equipment or service, or the issuance of special highway permits by the State of California.
- D. Devine & Son Trucking Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport lumber and forest products (except wood chips and logs):

Between all points and places on the following described highways:

- (1) U. S. Highway 101 between the California-Oregon State Line and Santa Barbara, inclusive;
- (2) U. S. Highway 99, 99E and 99W between the California-Oregon State Line and the intersection of said highways with State Highway 138 near Gorman, inclusive;

Issued by California Public Utilities Commission.

Decision No. 74664, Application No. 50357.

APPENDIX A
(Dec. 59845)

DEVINE & SON TRUCKING CO. First Revised Page 11
(a corporation) Cancels
Original Page 11

- (3) U. S. Highway 395 between the California-Oregon State Line and Hallelujah Junction, inclusive;
- (4) U. S. Highway 395 between the junction of said highway with State Highway 89 and Inyokern, inclusive;
- (5) State Highway 139 between the California-Oregon State Line and Susanville, inclusive;
- (6) State Highway 299 between the junction of said highway with U. S. Highway 101 near Arcata and the California-Nevada State Line, inclusive;
- (7) State Highway 33 between the junction of said highway with U. S. Highway 50 and Maricopa, inclusive;
- (8) State Highway 120 between Manteca and the junction of said highway with U. S. Highway 395, inclusive;
- (9) State Highway 108 between Oakdale and the junction of said highway with U. S. Highway 395 near Sonora Junction, inclusive;
- (10) State Highway 140 between the junction of said highway with U. S. Highway 99 near Merced to Yosemite Village, inclusive;
- (11) State Highway 41 between Morro Bay and Yosemite Village, inclusive;
- (12) U. S. Highway 466 from the junction of said highway with U. S. Highway 101 to Mojave, inclusive;
- (13) State Highway 36 between Red Bluff and Susanville, inclusive;
- (14) State Highway 24 between Sacramento and Reno Junction, inclusive;

Issued by California Public Utilities Commission.

Decision No. 74664, Application No. 50357.

APPENDIX A
(Dec. 59845)

DEVINE & SON TRUCKING CO. Original Page 12
(a corporation)

- (15) State Highway 20 between Lakeport and Emigrant Gap, inclusive;
- (16) State Highway 49 between Satterly and Jackson, inclusive;
- (17) U. S. Highway 40 between San Francisco and the California-Nevada State Line, inclusive, and
- (18) U. S. Highway 50 between San Francisco and the California-Nevada State Line, inclusive.

Between all points and places located in the following counties:

Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Glenn, Butte, Lake, Colusa, Sutter, Yuba, Sierra, Sonoma, Napa, Yolo, Placer, Nevada, El Dorado, Marin, Solano, Sacramento, Contra Costa, San Joaquin, Amador, Alpine, Calaveras, Tuolumne, Mono, Mariposa, Alameda, San Mateo, Santa Cruz, Stanislaus, Monterey, San Benito, Merced, Fresno, Madera, San Francisco, Santa Barbara, Kern and Inyo.

Through routes and rates may be established between all points and places specified in paragraph D of this appendix.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 74664, Application No. 50357.