

ORIGINAL

Decision No. 78633

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GOLDEN WEST FREIGHT LINES, a corpo-)
 ration, formerly known as Certley)
 Bros. Trucking Company for a)
 Certificate of Public Convenience)
 and Necessity to extend highway)
 common carrier service.)

Application No. 52030
 (Filed July 10, 1970;
 Amended January 5, 1971,
 January 13, 1971
 and February 2, 1971)

O P I N I O N

Applicant was previously authorized to operate as a common carrier between San Francisco Territory, Los Angeles Basin Territory, the Sacramento Area and San Diego Territory. The authority for such service is derived from the various decisions listed in the margin.^{1/}

Applicant also operates as a permitted carrier.

This application originally sought general commodity authority instead of specific between those territories and off route authority to all of the Counties of California south of a Sonoma-Eldorado line except Imperial, Riverside, San Bernardino, Inyo and the mountain counties.

It also sought authority to conduct operations in interstate commerce.

^{1/} Decision No. 54862, dated April 16, 1957, in Application No. 36288, as amended by Decision No. 55153, dated June 18, 1957, in Application No. 36288, Decision No. 55517, dated September 3, 1957, in Application No. 36288, Decision No. 61586, dated February 28, 1961, in Application No. 42343, and Decision No. 63066, dated January 9, 1962, in Application No. 42343. Decision No. 67471, in Application No. 46683, dated July 7, 1964, and in Decision No. 60750, dated September 13, 1960, as amended by Decision No. 61411, dated January 24, 1961, in Application No. 41954, and Decision No. 70584, dated April 19, 1966 in Application No. 47841.

Prehearing conference was held before Examiner Gilman on December 21, 1970 in San Francisco. Hearing was held before the same Examiner on January 5 and 6, 1971 in San Francisco and January 18, 1971 in Los Angeles. The application was amended on January 5, 13 and February 2, 1971. The amendments were restrictive in nature eliminating certain commodities and territories in order to satisfy the objections of certain protestants.

As a result of the restrictive amendments, the application now seeks authority to transport general commodities rather than specified commodities over many of its presently authorized routes. Because of the amendments, all protests have been withdrawn.

The second amendment alleged corporate affiliation with Special Service Transportation Corporation, Ltd. which holds a high-way common carrier certificate (Decisions Nos. 60965 and 61813 registered with ICC Docket No. 121118 (Sub 1)).^{2/} Special Service by a formal written consent, agreed that its certificate may be restricted to avoid duplication with the rights sought herein. The certificate issued to Special Service Transportation Corporation, Ltd. will be restricted by a separate order.

At hearing applicant submitted the written testimony of over 100 public witnesses which was received in evidence without objection; written testimony of an economic witness was also received. In addition the testimony of applicant's president and its general manager, the commercial sales manager of applicant's insurer and two public witnesses was received.

^{2/} Notice for publication in The Federal Register was forwarded to the Interstate Commerce Commission July 13, 1970.

Part of the authority now held by applicant is registered with the Interstate Commerce Commission, thus authorizing it to participate in the transportation of interstate and foreign commerce. Applicant seeks registration of all the authority sought herein and to that end has published in the Federal Register.

The testimony indicates that applicant is well financed, has adequate equipment, personnel and terminals to provide the proposed service and the financial ability to expand to meet additional business expected to be generated. It is also indicated that there is a public need for the service in question, especially since applicant's past conduct demonstrates its willingness to provide service improved in important respects over that available to the public witnesses from competing carriers.

Findings

We find that:

1. Public convenience and necessity require that the applicant be authorized to perform in intrastate, interstate and foreign commerce, the transportation described in Appendix A.
2. Public convenience and necessity require that the applicant be authorized to perform in interstate and foreign commerce the transportation described in Appendix A unless specifically excluded.

Conclusion

The application should be granted as set forth in Appendix A hereto in lieu of the certificated operating authority now held by applicant.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Golden West Freight Lines, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof.

2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all existing certificates of public convenience and necessity authorizing the transportation of general commodities heretofore granted to or acquired by Golden West Freight Lines and presently possessed by it, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

3. In providing service pursuant to the certificate herein granted, Golden West Freight Lines 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-F.

(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 thirty 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 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.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

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

Dated at San Francisco, California, this 14th day of MAY, 1971.

[Signature]
Chairman
William Lyons, Jr.
[Signature]
Samuel L. Stinson
[Signature]
Commissioners

Golden West Freight Lines, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport the following commodities between the points and places hereinafter enumerated:

Part I

- A. General commodities, except those excluded in paragraph G herein, to and between points in California as follows:
1. Between the Los Angeles Basin Territory, described in Part II herein, Orange County, San Diego Territory, described in Part II herein, Escondido and all intermediate points and places along U.S. Highway 101 and Interstate Highway 5 between the Los Angeles Basin Territory and the San Diego Territory on the one hand and on the other hand, points and places in the San Francisco Territory, described in Part II herein.
 2. Between the Los Angeles Basin Territory, Orange County, San Diego Territory, Escondido and all intermediate points and places along U.S. Highway 101 and Interstate Highway 5 between the Los Angeles Basin Territory and the San Diego Territory, on the one hand, and on the other hand, all points and places upon and along U.S. Highway 99 and Interstate Highway 5 between Sacramento and Mettler, points within 20 miles laterally of the aforesaid routes and the off-route points of Isabella and Kernville.
 3. Between Mettler and Sacramento and all points intermediate thereto on U.S. Highway 99 and Interstate Highway 5 and all points within 20 miles laterally thereof; and the off-route points of Isabella and Kernville.

There shall be no tacking of any of the authorities set forth in the three numbered paragraphs above with any other authority named in any other of the three named paragraphs above.

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B. General commodities, except those excluded in paragraph G herein, as follows:

From all points and places in Orange County, on the one hand, and, on the other hand, to the following points and places including points and places located within 15 miles laterally of the highways named:

- (1) Santa Rosa, Gilroy, Salinas and Byron.
- (2) All points on U. S. Highway No. 40 between Sacramento and San Francisco Territory.
- (3) All points on U. S. Highway No. 101 between Gilroy and San Francisco Territory and between said Territory and Santa Rosa.
- (4) All points on State Highway No. 152 between Califa and Gilroy.
- (5) All points on U. S. Highway No. 50 between Manteca and San Francisco Territory and on the unnumbered county road between Tracy and Byron.
- (6) All points on State Highway No. 4 between Stockton and San Francisco Territory.

C. General commodities in intrastate commerce only except those excluded in paragraph G herein:

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 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.

D. The above authority is restricted against local service in the Los Angeles Basin Territory.

E. Specific Commodities in Intrastate Commerce Only:

- (1) BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULPBOARD BOTTLES OR CANS, as listed under that heading in Items Nos. 28900 through 29380 of National Motor Freight Classification No. A-11, MF-ICC No. 13, FMC-9, H. J. Sonnenberg, Agent, on the issue date thereof and supplements thereto.

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2. CARRIERS, SHIPPING, as listed under that heading in Items Nos. 40770 through 41445 of National Motor Freight Classification No. A-11, MF-ICC No. 13, FMC-9, H.J. Sonnenberg, Agent, on the issue date thereof and supplements thereto.
3. CONTAINERS, SHEET, IRON OR STEEL, SET UP (WITH OR WITHOUT THEIR EQUIPMENT OF BAILS, HANDLES, COVERS, BUNGS OR NOZZLES), as listed under that heading in Items Nos. 174300 through 175320 of National Motor Freight Classification No. A-11, MF-ICC No. 13, FMC-9, H.J. Sonnenberg, Agent, on the issue date thereof.
4. FERTILIZERS, as listed under that heading in Items Nos. 1590, 1970 and 1975 of Western Motor Tariff Bureau Exception Sheet No. 1-A Cal.P.U.C. No. 18, M.J. Nicolaus, Agent, on the issue date thereof and Supplement No. thereto.
5. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS; VIZ.: Beverages, flavored or phosphated Fruit, canned or preserved. Mushrooms, canned or preserved. Sugar. Vegetables, canned or preserved.
6. FRUITS OR VEGETABLES, DEHYDRATED DRIED OR EVAPORATED, as listed under that heading in Items Nos. 77000 through 77420 of National Motor Freight Classification No. A-11, MF-ICC No. 13, FMC-9, H. J. Sonnenberg, Agent, on the issue date thereto.
7. MISCELLANEOUS COMMODITIES, e.g.:
Bags,
Pallets, Platforms or Skids for lift trucks,
Salt, common,
Wine,

between:

- (a) The Los Angeles Basin Territory on the one hand and on the other hand Morgan Hill and all points intermediate thereto upon and along U.S. Highways Nos. 101, 101 alternate and 101 Bypass and State Highway 1, and

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- (b) Mettler 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.

- F. Applicant shall operate over and along the most direct, appropriate and convenient highways, roads and streets in the performance of the transportation services hereinabove authorized.
- G. Applicant shall not transport any shipment of:
1. Commodities, the transportation of which, because of their size or weight, require the use of special equipment; or commodities, the transportation of which, because of size or weight, require special permits from state, county or city governmental agencies to transport said commodities over the public highways;
 2. Commodities which require temperature control to protect from heat or cold;
 3. Class A and B explosives;
 4. Uncrated used household goods, personal effects and office, store and institution furniture, fixtures and equipment;
 5. Commodities of unusual or extraordinary value;
 6. Commodities when transported in bulk in dump trucks or in hopper-type trucks;
 7. 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;

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8. 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;
 9. Daily newspapers, newspaper supplements and sections;
 10. Motion picture films, film supplies and accessorial originating or consigned to theaters, churches and schools, and other places where films are shown.
- H. Applicant shall perform no service to or from Santa Rosa except as provided in paragraph B above.

Part II

Los Angeles Basin Territory

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 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 Los 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 and including the city of Redlands; westerly along U. S. Highway No. 99 to U. S. Highway No. 395; southerly along U. S. Highway No. 395 to State Highway No. 18; southwestwesterly along State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 91 to State Highway No. 55; southerly along State Highway No. 55 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.

San Francisco Territory

Between points in California (including the City of San Jose) within an area bounded by a line 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

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and paralleling U.S. Highway No. 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; north-easterly 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 No. 101; northwesterly along U. S. Highway No. 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 No. 17 (Oakland Road); northerly along State Highway No. 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 No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 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, and servicing points within 25 miles of the boundaries of the above described area.

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San Diego Territory

Between points in California within an area bounded by a line beginning at the northerly junction of U.S. Highways Nos. 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway (State Highway No. 67); thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning, and serving points within 5 miles of the boundaries of the above described area.

(END OF APPENDIX A)

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