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Decision No. 79840

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
BOLAND TRUCKING CO., INC., a Cali- }  
fornia Corporation, for an expansion }  
and restatement of its certificate }  
of public convenience and necessity }  
authorizing highway common carrier }  
service. }

Application No. 53041  
(Filed December 3, 1971)

O P I N I O N

Boland Trucking Co., Inc., presently providing service as a highway common carrier, requests authority to extend service for the transportation of commodities moving in intrastate and interstate commerce between points in an area from San Rafael, Vallejo and Antioch, on the north, to Los Gatos, on the south. An appropriate notice was published in the Federal Register and copies of the application were served upon carriers with which the proposed extended service might compete. The only protests were received from Signal Trucking Service, Ltd. and Paxton Trucking Company. Said protests were subsequently withdrawn.

Applicant is presently transporting general commodities between points and places in the San Francisco-East Bay Cartage Zone pursuant to Decision No. 79137, dated September 8, 1971, in Application No. 52811. Applicant owns and operates 41 units of equipment and as of June 30, 1971, indicated a net worth in the amount of \$44,890. Service would be on call or on a regular daily basis, depending upon shippers' requirements. The applicable rates will be those contained in Minimum Rate Tariff 2.

It is alleged that the predecessor of applicant commenced highway common carrier operations in 1956; that operations expanded proportionately with the growing demands of customers so that the scope of applicant's service has changed from a local drayage operation in the San Francisco-East Bay Cartage Zone to one which generally

encompasses the proposed extended area; that the instant application was filed because of requests of shippers for extended service; that the region is largely treated by the shipping public as a single, indivisible and integrated economic area and applicant must serve the whole of the proposed territory in order to meet the requirements of its customers; and that the grant of the requested authority will enable applicant to afford a more complete service to its customers and fulfill their transportation needs both for intrastate and interstate service between the points involved.

After consideration the Commission finds that public convenience and necessity require applicant's service for the transportation of property moving in intrastate and interstate commerce to the extent set forth in the ensuing order. A public hearing is not necessary.

Boland Trucking Co., Inc., 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 K D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Boland Trucking Co., Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendices A and B attached hereto and made a part hereof.


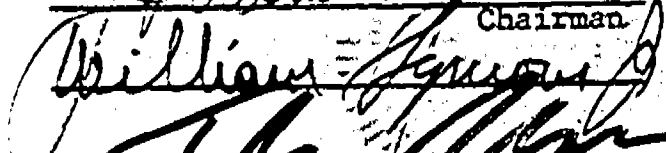


2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (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-Series.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and amend its tariffs on file to reflect the authority granted herein.
- (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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 79137, dated September 8, 1971, in Application No. 52811, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 21st day of MARCH, 1972.

  
Chairman  
  
  
  
Commissioners

Boland Trucking Company, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of general commodities:

1. BETWEEN all points and places within the San Francisco-East Bay Cartage Zone as described in Appendix B attached hereto.
2. BETWEEN all points on the following routes:
  - a. U. S. Highway 101 between San Francisco and San Rafael, inclusive.
  - b. State Highway 17 between El Cerrito and San Rafael, inclusive via the Richmond-San Rafael Bridge.
  - c. Interstate Highway 80 between El Cerrito and Vallejo, inclusive.
  - d. Interstate Highway 680 between Vallejo and Martinez inclusive, via the Benicia-Martinez Bridge.
  - e. Unnumbered road and route between Martinez and Pittsburg, inclusive.
  - f. Unnumbered road and route between Pittsburg and Antioch, inclusive.
  - g. State Highway 4 between Antioch and the Willow Pass Road intersection, inclusive.
  - h. Willow Pass Road between the intersection of Highway 4 and the intersection of State Highway 24, inclusive.
  - i. State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive.
  - j. Unnumbered road and route between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive.

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- k. State Highway 4 between its intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive.
- l. State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive.
- m. Interstate Highway 680 between its intersection with State Highway 24 and its intersection with State Highway 238, inclusive.
- n. State Highway 24 between Vallecito and its intersection with Interstate Highway 680, inclusive.
- o. State Highway 238 between Mission San Jose and Warm Springs, inclusive.
- p. Unnumbered road and route between Warm Springs and Milpitas, inclusive.
- q. Unnumbered road and route between Milpitas and Evergreen, inclusive.
- r. Unnumbered road and route between Evergreen and the Capitol Expressway intersection on State Highway 82, inclusive.
- s. Unnumbered road and route between its intersection with the Capitol Expressway and its intersection with Highway 17, inclusive.
- t. State Highway 17 between its intersection at Blossom Hill Road and Los Gatos, inclusive.
- u. State Highway 9 between Los Gatos and Saratoga, inclusive.
- v. State Highway 85 between Saratoga and its intersection on Interstate Highway 280, inclusive.
- w. Interstate 280 between its intersection with State Highway 25 and its intersection with State Highway 35, inclusive.
- x. Interstate Highway 35 between its intersection with Interstate 280 at San Bruno and its intersection with State Highway 1, inclusive.

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3. Through routes and rates may be established between any and all points specified in paragraphs 1 and 2 above.
4. All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served.

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 Item 5 of Minimum Rate Tariff 4-B;
2. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers;
3. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles;
4. Commodities when transported in bulk in dump trucks or in hopper type trucks;
5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit;
6. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
7. Articles of extraordinary value as set forth in Item 780 of National Motor Freight Classification A-12, William Herbold, Issuing Officer, or the issue date hereof.
8. Fresh fruits and vegetables.

(END OF APPENDIX A)

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SAN FRANCISCO - EAST BAY CARTAGE ZONE:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "8" Street, Hayward; thence easterly and northerly along "8" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

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The foregoing description includes the following points or portions thereof:

Alameda	El Cerrito	Oakland Pier	San Leandro
Alameda Pier	Elkton	Ocean View	San Lorenzo
Albany	Elmhurst	Piedmont	San Mateo
Baden	Emeryville	Point Castro	San Pablo
Bay Farm Island	Ferry Point	Point Fleming	South San Francisco
Bayshore	Fruitvale	Point Isabel	Stege
Berkeley	Government Island	Point Molate	Tanforan
Bernal	Hayward	Point Orient	Treasure Island
Brisbane	Lawndale	Point Potrero	Union Park
Broadway	Lomita Park	Point Richmond	Visitation
Burlingame	Melrose	Point San Pablo	Westlake
Camp Knight	Millbrae	Richmond	Winehaven
Castro Valley	Mills Field	Russell City	Yerba Buena
Colma	Mt. Eden	San Bruno	Island
Daly City	Oakland	San Francisco	
East Oakland	Oakland Municipal Airport	San Francisco Inter- national Airport	

(END OF APPENDIX B)

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