

Decision No. 80459

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of JOHN SCANNELL, doing business)	
as SCANNELL BROTHERS DRAYAGE,)	
for a certificate of public)	
convenience and necessity to)	Application No. 45224
extend his operations as a Highway)	
Common Carrier between presently)	
certificated territory and Marysville,)	
Bakersfield, Salinas and other points.)	

SUPPLEMENTAL OPINION AND ORDER

John Scannell, doing business as Scannell Brothers Drayage, holds authority from this Commission to operate as a highway common carrier of general commodities, as defined in Section 213 of the Public Utilities Code, in an area generally bounded by San Francisco, Yuba City, Sacramento and Bakersfield.

The authority was granted in part by Decision No. 67724, dated August 18, 1964, in Application No. 45224. In addition, certificates of public convenience and necessity were issued in Decision No. 51064, dated February 1, 1955 in Application No. 35608, and by Decision No. 60299, dated June 20, 1960, as amended by Decisions Nos. 74032 and 74541, dated May 7, 1968 and August 13, 1968, respectively, in Application No. 40883.

A letter has been received from the carrier which requests that his operating authorities be restated. In the circumstances, the order which follows will provide for the revocation of the certificates presently held by John Scannell and the issuance of a new certificate in appendix form. The new certificate will also authorize the carrier to transport general commodities to all points and places within 20-mile radii of the City Limits of Sacramento and

Fresno. Paragraphs (q) and (r), Appendix A, Original Page 3 of Decision No. 67724 inadvertently omitted the mileage limitation in describing the radii. A public hearing is not necessary. The new certificate issued to John Scannell will not broaden or change the interstate or foreign commerce rights held by the carrier.

John Scannell, doing business as Scannell Brothers Drayage, 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, these rights extend to the holder a full or partial monopoly of a class of business. 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to John Scannell, doing business as Scannell Brothers Drayage, authorizing him 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 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 the certificates of public convenience and necessity granted by, but not limited to, Decisions Nos. 51064, 60299 and 67724, which certificates are hereby revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by ordering paragraph 3(b) hereof.

3. In providing service pursuant to the certificate herein granted, John Scannell, doing business as Scannell Brothers Drayage, shall comply with and observe the following service regulations. Failure to do so may result in 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 he accepts the certificate of public convenience and necessity herein granted, he 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 amend his tariffs on file with the Commission 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.
- (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-Series.
- (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 31st day of August, 1972.

Vernon L. Sturgeon
President
William J. Sirovsky
James M. ...
Ed ...
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

John Scannell, 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 in Section 213 of the Public Utilities Code, for the transportation of general commodities, subject to conditions and exceptions noted, as follows:

- I. In intrastate commerce only, from San Francisco to:
 - A. All points and places on, along and within three miles laterally of the following routes:
 1. State Highway 99 between Modesto and Bakersfield, including the off-route points of Sanger, Reedley, Dinuba, Visalia, Exeter, Lindsay, Porterville and Hanford.
 2. State Highway 33 between Taft and its intersection with Interstate Highway 205.
 3. State Highways 119 and 99 between Taft and Bakersfield.
 4. State Highway 88 between Stockton and Lockeford.
 5. State Highway 26 between Stockton and Bellota.
 6. State Highway 108 and county road J-6 between Bellota and Modesto.
 7. State Highway 120 between Manteca and Oakdale.
 8. State Highway 108 between Oakdale and Modesto including Riverbank.
 9. State Highway 132 between Modesto and Waterford.
 10. State Highway 132 and county road J-7 between Modesto and Hughson.
 11. State Highway 160 between Antioch and Sacramento, including the off-route points of Rio Vista and Thornton.

Issued by California Public Utilities Commission.

Decision No. 80459, Application No. 45224.

12. U. S. Highway 101 between San Jose and Salinas.
 13. State Highway 152 between Gilroy and Califa.
 14. Interstate Highway 80 and State Highway 65 between Sacramento and Yuba City.
 15. State Highways 99 and 113 and Interstate Highway 80 between Sacramento and Yuba City.
 16. State Highway 29 between Vallejo and Napa.
- B. All points and places within the following areas:
1. The County of Contra Costa.
 2. A 20-mile radius of the City Limits of Sacramento.
 3. A 20-mile radius of the City Limits of Fresno.

Conditions

With the exception of San Francisco, applicant may not link operations between points in Part I and those specified in Parts II and III.

- II. Between all points, places and routes, and within 3 miles laterally of said routes, in intrastate, interstate and foreign commerce as follows:
1. Between the San Francisco-East Bay Cartage Zone, as described in Note A and San Jose and points intermediate thereto and between intermediate points on U. S. Highway 101 and State Highway 82, including the City of Los Altos.
 2. Between the San Francisco-East Bay Cartage Zone and Saratoga and points intermediate thereto and between intermediate points on Saratoga-Sunnyvale Road.
 3. Between the San Francisco-East Bay Cartage Zone and Los Gatos and points intermediate thereto and between intermediate points on State Highway 17, including the City of Campbell.
 4. Between Los Gatos and Saratoga via State Highway 9.

Issued by California Public Utilities Commission.

Decision No. 80459 Application No. 45224.

5. Between the San Francisco-East Bay Cartage Zone, Sacramento and intermediate points on Interstate Highway 80.
 6. Between the San Francisco-East Bay Cartage Zone, Sacramento and intermediate points on Interstate Highways 580, 205, 5 and State Highway 99, including the Cities of Lodi, Stockton and Tracy.
 7. Between Modesto and Stockton via U. S. Highway 99.
 8. Between Manteca and the junction of U. S. Highway 50 with State Highway 120 and intermediate points on State Highway 120.
- III. From all points of origin to all points of destination within the San Francisco-East Bay Cartage Zone as described in Note A in intrastate, interstate and foreign commerce.
- IV. For operating convenience applicant may use any and all streets, roads, highways and toll bridges necessary or convenient for the performance of the service herein authorized.
- V. Carrier 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. 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.: 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.
 4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

Issued by California Public Utilities Commission.

Decision No. 80459, Application No. 45224.

SCANNELL BROTHERS DRAYAGE

5. 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.
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. Logs.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

Note A

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary:

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 to South 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 State Highway 82; thence southeasterly along on imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U. S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along on imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile

Issued by California Public Utilities Commission.

80459

Decision No. _____, Application No. 45224.

easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" 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 Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence 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 said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) 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 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.

(END OF APPENDIX A)

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Decision No. **80459**, Application No. 45224.