

Decision No. 80560

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of STERLING TRANSIT
COMPANY, INC., a California
corporation, for an extension of
its certificate of public conven-
ience and necessity to operate as
a highway common carrier for the
transportation of property in
intrastate, and interstate and
foreign commerce.

Application No. 53210
(Filed March 20, 1972)

O P I N I O N

Sterling Transit Company, Inc., presently providing service as a highway common carrier for the transportation of general commodities, with certain exceptions, moving in intrastate and interstate commerce in an area from Sacramento, on the north, to San Diego and Calexico, on the south, requests authority to extend service via Interstate Highway 5 as well as locally within the territories served and to establish a unified 10-mile lateral operation. It is requested that the operating authority be restated in the form of a new certificate. Copies of the application were served upon carriers with which the proposed service might compete, the California Trucking Association and an appropriate notice was published in the Federal Register. The only protest was filed by Los Angeles City Express. It was subsequently withdrawn by letter dated August 18, 1972.

The proposed service would be provided on an "on-call" basis daily Monday through Friday, with service on Saturdays, Sundays and Holidays upon request.

Applicant owns and operates a substantial amount of equipment. It maintains terminals throughout its system and as of December 31, 1971, indicated a net worth in the amount of \$1,299,711.

It is alleged that applicant has operated between the points proposed to be served continuously for a period of many years as a permitted carrier; that it has received numerous requests from various shippers having shipments moving in both intrastate and interstate commerce to, from and between the points and places located in applicant's present service area; that during the past several years, there has been a substantial increase in population and industry in the proposed extended area; and that the proposed service will merely result in a consolidation or "rounding out" of its present service and will have no adverse or detrimental effect upon the existing common carriers.

After consideration the Commission finds that public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein. A public hearing is not necessary. Applicant's operating authority will be restated in the form of a new certificate.

Applicant 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 R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Sterling Transit Company, 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 Appendix A 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 to do so 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 file tariffs 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, 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-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.

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. 76439, dated November 18, 1969, in Application No. 50002, 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 3rd day of OCTOBER, 1972.

Vernon L. Sturgeon
President
William J. Remous
John J. White
John J. White
John J. White
Commissioners

Sterling Transit 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 in Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

- I. BETWEEN all points and places in the following territories:
 1. San Francisco Territory as defined in Note A below.
 2. Los Angeles Basin Territory as defined Note B below.
 3. San Diego Territory as defined in Note C below.
- II. BETWEEN the above listed territories and Sacramento, via any and all highways including the right to serve all points and places on and along and within 10 miles laterally of the following routes:
 1. State Highway 99 and Interstate Highway 5 between Los Angeles and Sacramento.
 2. Interstate Highway 5 between Los Angeles and California-Mexico Boundary Line.
 3. Junction State Highways 65 and 99; thence northerly along State Highway 65 to the junction of State Highways 65 and 198; thence easterly along State Highway 198 to junction with State Highway 69; thence northerly along State Highway 69 to junction with State Highway 180; thence westerly along State Highway 180 to junction with State Highway 63; thence southerly along State Highway 63 to junction with State Highway 198; westerly along State Highway 198 to junction with State Highway 99.
 4. State Highways 24 and 4 between San Francisco and Sacramento.

Issued by California Public Utilities Commission.

Decision No. 80560, Application No. 53210.

5. Interstate Highways 580, 205 and 80 between San Francisco and Sacramento.
6. State Highways 41 and 198 between the Lemoore Naval Air Station and the junction of said highways with State Highway 99.
7. U.S. Highway 395 and Interstate Highway 15 between San Diego and San Bernardino.

III. BETWEEN the Los Angeles Basin Territory and the San Diego Territory herein defined, on the one hand, and El Centro and points within twenty-five miles of El Centro, on the other hand, via Interstate Highways 8 and 10 and State Highway 86, serving 10 miles laterally of said routes.

Through routes and rates may be established between any and all points authorized to be served.

Applicant is authorized to use all available public highways between points to be served as hereinabove mentioned, and within the cities and towns hereinabove to be served, and to use such streets and highways as may be necessary to serve consignors and consignees located within said cities and towns.

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 No. 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, 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.

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Decision No. 80560, Application No. 53210.

4. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigeration equipment.

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Decision No. 80560, Application No. 53210.

Note A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 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 Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along 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; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including 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 shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

Issued by California Public Utilities Commission.

Decision No. 80560, Application No. 53210.

Note C

SAN DIEGO TERRITORY

San Diego Territory includes that area embraced by the following boundary and includes the external boundaries of any point which a portion falls within:

Beginning at the point where an imaginary line intersects the Pacific Ocean from the northerly junction of Interstate Highway 5 and U.S. Highway 101 (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on Interstate Highway 8; thence southeasterly to Jamul on State Highway 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

Issued by California Public Utilities Commission.

Decision No. 80560, Application No. 53210.

Note B

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to MacLay Avenue; northeasterly along MacLay 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 Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U. S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U. S. Highway 395; southerly along U. S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

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