

Decision No. 80740**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
DI SALVO TRUCKING CO., a corporation, }  
for a certificate of public conven- }  
ience and necessity to extend highway }  
common carrier service. }

Application No. 53570  
(Filed September 6, 1972)

O P I N I O N

Di Salvo Trucking Co., presently rendering service as a highway common carrier between various points within the state for the transportation of general commodities, with certain exceptions, moving in intrastate, interstate and foreign commerce, requests authority to extend service as follows:

1. Interstate 5 between Wheeler Ridge and Tracy and points and places within 20 miles laterally thereof.
2. Increase the present lateral authority between San Francisco and Los Angeles via U. S. Highways 101 and 101-A from 10 miles to points and places within 15 miles thereof.
3. Increase the present lateral authority between Fresno and Sacramento via U. S. Highway 99 from five miles to points and places within 20 miles thereof.

Copies of the application were served upon existing carriers with which the proposed service might compete and an appropriate notice was filed in the Federal Register. No protest has been received.

It is alleged that applicant has been providing service in intrastate and interstate commerce for the general public for many years along the routes where it is presently certificated; that the new routes along which it here seeks to serve are immediately connected with and immediately adjacent to those which it is presently authorized to serve; that the extension will permit applicant to

meet the needs and requests of its present shippers at those adjacent and intermediate points which constitute a part of its present service area and will thus enable it to provide a more complete certificated coverage in the present service area for its shippers; and that the completion of Interstate Highway 5, along which applicant is presently authorized to serve between terminal points, has opened the lateral area immediately adjacent thereto, which area applicant here seeks to serve, as an area in which applicant's customers require certificated service from applicant.

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 Di Salvo Trucking Co., 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 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 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. 60065, dated May 9, 1960, in Application No. 41336, 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 21<sup>st</sup> day of NOVEMBER, 1972.

James L. Stinson  
President  
William J. Smyth  
John A. Smith  
Charles W. Smith  
Commissioners

Di Salvo Trucking Co., by the certificate of public convenience and necessity granted in 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, to and between all points and places located:

- A. 1. On or within five miles of Interstate Highway 80 between San Francisco and Sacramento including San Francisco and Sacramento;
2. On or within five miles of Interstate Highways 580 and 205, and State Highway 99 between Oakland and Sacramento, including both Oakland and Sacramento;
3. On or within ten miles of State Highway 4 from its intersection with Interstate Highway 80 near Pinole to and including Stockton;
4. On or within ten miles of County Road J-4 between State Highway 4 and Interstate Highway 205;
5. On or within ten miles of State Highways 24 and 160 between Oakland and Sacramento, including both Oakland and Sacramento;
6. On Interstate Highway 680 from its intersection with State Highway 4 near Concord to its intersection with Interstate 580 near Dublin;
7. On or within twenty miles of State Highway 99 between Sacramento and Bakersfield, including both Sacramento and Bakersfield;
8. On or within five miles of State Highway 99 between Bakersfield and Los Angeles;

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9. On or within ten miles of State Highway 1 between San Francisco and San Luis Obispo;
  10. On or within fifteen miles of U.S. Highway 101 between San Francisco and Los Angeles and State Highway 1 between its intersection with 101 near Oxnard and Los Angeles;
  11. Within twenty-mile radii of Sacramento, Fresno and Bakersfield;
  12. Within the San Francisco Territory as described in Note A;
  13. Within the Los Angeles Basin Territory as described in Note B;
  14. On State Highway 153 between Gilroy and Califa;
  15. On or within three miles of State Highway 33 between its intersection with Interstate Highway 205 near Tracy and Maricopa;
  16. On State Highway 166 between Maricopa and its intersection with State Highway 99 near Wheeler Ridge;
  17. On or within twenty miles of Interstate Highway 5 between Wheeler Ridge and its junction with Interstate Highway 580 near Tracy.
- B. Between all points and places enumerated in Paragraph A (subparagraphs 1 through 17), on the one hand, and all points located on or within ten miles laterally of Interstate Highway 5, U.S. Highway 395 and State Highway 1 between Los Angeles Basin Territory and San Ysidro, on the other hand.
- C. Service may be performed between certificated points via any and all streets and highways.

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## D. Carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment 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. 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.
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. Fruits or vegetables, fresh or greens (not cold pack or frozen).

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## 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 two 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

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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.

## 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;

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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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