

Decision No. 81520**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 POZAS BROS. TRUCKING CO., a corporation,
 for an in-lieu certificate of public
 convenience and necessity authorizing
 highway common carrier service.

Application No. 53871
 (Filed March 2, 1973)

O P I N I O N

Pozas Bros. Trucking Co., presently rendering service as a highway common carrier, requests authority to extend service in intrastate, interstate, and foreign commerce. Copies of the application were served upon carriers with which the proposed extended service might compete and an appropriate notice was published in the Federal Register of March 14, 1973. Only one protest was received and that was subsequently withdrawn.

Applicant is presently certificated to transport general commodities, with certain exceptions, between:

1. All points in the San Francisco Territory.
2. The San Francisco Territory and the Los Angeles Basin Territory, and intermediate points located on U. S. Highway 101.
3. The San Francisco Territory and the Los Angeles Basin Territory, and intermediate points located on U. S. Highway 50 between the San Francisco Territory and the junction with State Highway 120; State Highway 120 between U. S. Highway 50 and Manteca; and U. S. Highway 99 between Manteca and the Los Angeles Basin Territory.
4. Any point authorized to be served by the above subparagraphs 1, 2, and 3, on the one hand, and any point located on State Highway 152 between U. S. Highways 101 and 99, on the other hand.

5. Between all points authorized in subparagraphs 1, 2, 3, and 4 above, on the one hand, and Sacramento Stockton, San Diego, Santa Cruz, Watsonville, Monterey, and Pittsburg, on the other hand, via all available routes.

By its application, applicant requests an in-lieu certificate authorizing the transportation of general commodities, with certain exceptions, between:

1. All points in the San Francisco Territory.
2. The San Francisco Territory and the Los Angeles Basin Territory and intermediate points located on U. S. Highway 101.
3. Sacramento and the Los Angeles Basin Territory serving intermediate points located on Interstate Highway 5.
4. Sacramento and the Los Angeles Basin Territory, serving intermediate points located on State Highway 99.
5. The San Francisco Territory and Manteca, serving intermediate points on Interstate Highway 580.
6. The San Francisco Territory and Sacramento, serving intermediate points on Interstate Highway 80.
7. Watsonville and Chowchilla, serving intermediate points on State Highway 152.
8. The Los Angeles Basin Territory and San Diego, serving intermediate points on Interstate Highway 5.
9. All points within 20 miles of all points and places in the territories described above.

Applicant proposes a daily service with the exception of Saturdays, Sundays, and holidays. The proposed rates are comparable to those set forth in Minimum Rate Tariff 2.

Applicant owns and operates 383 units of equipment and as of December 31, 1972 indicated a net worth in the amount of \$844,073.

It is alleged that since the institution of service as a highway common carrier, applicant has increasingly been receiving

requests for service to and from intermediate and off-route points not authorized in its operating rights; that applicant is thus unable to afford a complete service to many of its customers; that it is unable in many instances to afford split pickup and deliveries because certain of the points involved are within applicant's authority and some are not; that the granting of the certificate requested will permit applicant to be responsive to the needs of the shipping public it services; and that many industries have relocated from points applicant is authorized to serve to points in the twenty-mile radius or to intermediate points not included in the present authority.

After consideration the Commission finds that:

1. Applicant possesses the necessary experience, equipment, facilities, and financial ability to provide the proposed service.
2. 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.
3. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. The territorial description of the authority granted herein reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operations as published in the Federal Register. A public hearing is not necessary.

Pozas Bros. Trucking Co. is 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. 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 Pozas Bros. 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 and twenty days after the effective date hereof, applicant shall establish the service 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. 59361, as amended, 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 Los Angeles, California, this 26th day of JUNE, 1973

Vernon L. Sturgeon
President

[Signature]
[Signature]
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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

Pozas Bros. 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, between:

1. All points in the San Francisco Territory as described in Note A.
2. The San Francisco Territory and the Los Angeles Basin Territory as described in Note B, and intermediate points on U. S. Highway 101.
3. Sacramento and the Los Angeles Basin Territory, serving intermediate points located on Interstate Highway 5 and State Highway 99.
4. The San Francisco Territory and Manteca, serving intermediate points on Interstate Highway 580.
5. The San Francisco Territory and Sacramento, serving intermediate points on Interstate Highway 80.
6. Watsonville and Chowchilla, serving intermediate points on State Highway 152.
7. The Los Angeles Basin Territory and San Diego serving intermediate points on Interstate Highway 5.
8. All points within 20 miles of the points and places on the routes or in the territories described in subparagraphs 1 through 7.

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Through routes and rates may be established between any and all points specified in subparagraphs 1 through 8.

RESTRICTION: This authority does not include the right to render service between points within the Los Angeles Basin Territory.

Except that pursuant to the authority herein granted, 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.

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6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- 7.. Fresh or green fruits, fresh or green vegetables, or mushrooms, when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, precooling plant, or winery, or the empty containers used or shipped out for use in connection with such transportation.
8. Logs.
9. Articles of extraordinary value.
10. Cotton.
11. Metal cans and metal can tops, bottoms or ends, except when moving in mixed shipments with commodities authorized to be transported under this authority.

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

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Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly 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.

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

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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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