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Decision No. 81524

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of C-LINE EXPRESS for a certificate
of public convenience and necessity
authorizing the transportation of
general commodities between points
within San Francisco Territory and
between points in said territory on
the one hand and points presently
served on the other.

Application No. 53751
(Filed December 15, 1972;
amended January 3, 1973)

O P I N I O N

This is an application in which C-Line Express (C-Line) seeks additional intrastate and interstate highway common carrier operating authority and requests a concurrent finding that public convenience and necessity also requires the same service in interstate and foreign commerce.

C-Line presently holds authority from this Commission and the Interstate Commerce Commission to operate as a highway common carrier between various points in the San Francisco Bay Area. C-Line is authorized to serve the city and county of San Francisco, but it is not authorized to serve all of the points in the San Francisco Territory. The verified application avers that many industries formerly located in San Francisco have relocated to points which C-Line is not authorized to serve and that C-Line cannot give present customers in the area a complete service with respect to shipments involving split pickup or delivery unless it obtains authority to serve the San Francisco Territory.

C-Line presently operates approximately 59 units of equipment. It had gross operating revenues of \$501,620 for the nine-month period ending September 30, 1972. Copies of the application were served on 21 carriers and the California Trucking Association. The Commission has received no protests to the application. The Commission makes the following findings and conclusions.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. C-Line presently holds authority from this Commission and the Interstate Commerce Commission to operate as a highway common carrier between various points in the San Francisco Bay Area.
3. C-Line is presently authorized to serve between the city and county of San Francisco and various other points.
4. Various industries have relocated from San Francisco to points in the San Francisco Territory which C-Line is not authorized to serve.
5. C-Line cannot give a complete service to its customers in the area with respect to shipments involving split pickup or delivery because it cannot serve all points in the San Francisco Territory.
6. C-Line has the ability, including financial ability, to conduct the service for which authority is requested herein.
7. Notice that the application was filed and that the applicant will seek a certificate of registration from the Interstate Commerce Commission published in the Federal Register on January 10 and 24, 1973.
8. 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.
9. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.
10. To avoid confusion among members of the shipping public and assist the Commission in the performance of its regulatory functions C-Line's operating authority should be restated in an in-lieu certificate of public convenience and necessity.

Conclusions of Law

1. The application should be granted as set forth in the ensuing order.

2. The territorial description of the authority granted reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

Applicant 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 C-Line Express, 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. 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 Decisions Nos. 72017, 59497, 63091, 74082, and 74946, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

3. 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 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.

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.

C-Line Express, 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 as follows:

1. Between points and places in the San Francisco Territory as described in Note A.
2. Between points in the San Francisco Territory, on the one hand, and Calistoga, on the other hand. Service is authorized to all intermediate points on Interstate Highway 80 between San Francisco - Oakland and the junction of Interstate Highway 80 with State Highway 29 and on State Highway 29 between its junction with Interstate Highway 80 and Calistoga. Service is also authorized to the off-route points of Benicia and Mont La Salle.
3. Between all points and places specified in paragraph 2 above, on the one hand, and, on the other hand, all points and places on and within five miles laterally of the following highways including all of the Lake Berryessa resort area:
 - a. State Highway 121 between Napa and Moskowite Corners, inclusive;
 - b. State Highway 128 between Moskowite Corners and the junction of said highway with Berryessa-Knoxville Road, inclusive;
 - c. Berryessa-Knoxville Road between the junction of said road with State Highway 128 and Knoxville, inclusive;
 - d. Pope Canyon Road between Pope Valley Junction and Pope Valley, inclusive;
 - e. Unnumbered highways between Pope Valley and St. Helena, inclusive;

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- f. State Highway 128 between its junction with Berryessa-Knoxville Road and Rutherford, inclusive;
- g. Steele Canyon Road between Moskowite Corners and Steele Canyon Park, inclusive;
- h. State Highway 128 between Moskowite Corners and the junction of said highway with Pleasants Valley Road, inclusive;
- i. Pleasants Valley Road between the junctions of said road with State Highway 128 and Interstate Highway 80, inclusive;
- j. Interstate Highway 80 between Vallejo and the junction of said highway with Pleasants Valley Road, inclusive;
- k. Suisun Valley Road between the junctions of said road with Interstate Highway 80 and Wooden Valley Road, inclusive, including the off-route point of Mankas Corner; and
- l. Wooden Valley Road between the junctions of said road with Suisun Valley Road and State Highway 121, inclusive.

Carrier may use the highways named in this order and any other public roadways necessary or convenient to perform the service authorized in Paragraphs 1, 2 and 3.

- 4. Between points in San Francisco Territory, on the one hand, and on the other hand:
 - a. Orinda, Lafayette, Walnut Creek, Danville and Concord, and points intermediate thereto on State Highways 24 and 21;
 - b. Port Chicago, Pittsburg, Antioch, and points intermediate thereto on State Highways 24, 21 and 4 and on unnumbered State highways between Concord and Port Chicago and between Port Chicago and Pittsburg;

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- c. Martinez and Avon and all intermediate points and places on and along State Highways 24, 21 and 4, and unnumbered State highway between said points;
- d. Oakley, Brentwood and Byron and all intermediate points and places on and along State Highway 4 between Antioch and Byron; also via Marsh Creek Road but without serving points thereon between Clayton and Byron;
- e. Bethel Island;
- f. Clayton and all points intermediate to Concord and Clayton on and along Clayton Road and Marsh Creek Road, serving also the off-route point of Cowell;
- g. San Ramon and all intermediate points and places on and along State Highway 21 between Danville and San Ramon; and
- h. Castro Valley and all intermediate points and places on and along Interstate Highway 580 between Castro Valley and Springtown, serving Pleasanton and Livermore as off-route points.

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.

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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. Logs.
8. High explosives.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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.

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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 Miles 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.

(END OF APPENDIX A)

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