

Decision No. 81755

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ARROW TRUCKING CO. OF CALIFORNIA, INC.,
for a certificate of public convenience
and necessity authorizing the trans-
portation as a highway common carrier
of property between specified points
in California.

Application No. 53962
(Filed April 12, 1973;
amended June 20, 1973)

O P I N I O N

By its application, as amended, Arrow Trucking Co. of California, Inc. requests a certificate of public convenience and necessity authorizing operations as a highway common carrier for the transportation of general commodities, with certain exceptions, between points within an area from San Rafael and Sacramento, on the north, to Monterey, Los Banos, and Fresno, on the south. Applicant also proposes a corresponding service on shipments moving in interstate and foreign commerce. A certificate of service, attached to the application, shows that copies of it were served upon 13 carriers with which the proposed service might compete as well as upon the California Trucking Association, and an appropriate notice was published in the Federal Register on May 2, 1973. The only protest was received from Ted Peters Trucking Co., Inc. and was subsequently withdrawn upon the filing of the amendment to the application.

Applicant proposes a daily same-day and overnight service, depending upon the time of day requests for service are received and pickups can be made and the lengths of the involved hauls. The proposed rates would be comparable to those contained in Minimum Rate Tariff 2.

Applicant owns and operates 33 units of equipment, and as of September 30, 1972, it indicated a net worth in the amount of \$16,254. Its main place of business is located in Berkeley, California.

It is alleged that applicant commenced its operations as the successor to a service which had been rendered for many years under permitted authorities; that initial operations were irregular in nature but gradually became less sporadic and the volume transported increased through the expanded requirements of its customers; that the frequency of applicant's service within the proposed service area may now or will in the future exceed the scope of its permitted authority; and that certification to the extent requested will allow applicant to meet the increasing needs of its customers and will permit an orderly growth in the future.

After consideration the Commission finds that:

1. Applicant is presently providing service as a permitted carrier within the proposed certificated area.

2. Applicant's permitted operations within the proposed service area have materially grown and developed over the years because of an ever increasing demand for service by applicant's customers.

3. Applicant possesses the necessary equipment and financial ability to provide the proposed service.

4. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application as amended 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.

5. 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. A public hearing is not necessary.

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 Arrow Trucking Co. of California, 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 set forth in Appendix A, attached hereto and made a part hereof.
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.
 - (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with 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 of this order, applicant shall establish the authorized service and file tariffs, in triplicate, in the Commission's office.
 - (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 authorized service.

- (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 21st
day of AUGUST, 1973.

Vernon L. Stevenson
President
William J. Lyons, Jr.
R. J. Williams, Jr.
[Signature]
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Arrow Trucking Co. of California, Inc., 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 all points on or within 25 miles of points on the following routes:

1. U.S. Highway 101 between San Rafael and Salinas, inclusive;
2. State Highway 17 between San Rafael and Santa Cruz, inclusive;
3. State Highway 1 between Santa Cruz and Monterey, inclusive;
4. Interstate Highway 80 between San Francisco and Sacramento, inclusive;
5. State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive;
6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near the San Joaquin - Stanislaus County boundary line, inclusive;
7. Interstate Highway 205 between its' junctions with Interstate Highways 580 and 5, inclusive;
8. Interstate Highway 5 between Stockton and its junction with State Highway 152, near Los Banos, inclusive;
9. State Highway 99 between Sacramento and Fresno, inclusive;
10. State Highway 152 between its' junctions with Interstate Highway 5, near Los Banos, and State Highway 99, near Chowchilla.

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Restrictions:

No service shall be provided:

- (a) To, from or between points on or within 5 miles of U.S. Highway 101 north of Novato;
- (b) For the transportation of containers that have had a prior or will have a subsequent movement by air or water, except this restriction shall not preclude carrier from transporting containers which are less than 20 feet in length, moving via water carriers.

In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

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 institutional 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.

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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. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Fresh fruits and vegetables.
11. Commodities requiring temperature control.

(END OF APPENDIX A)

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