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ORIGINAL

Decision No. 82080

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BILL RACKLEY TRUCKING, INCORPORATED,
a corporation, for a certificate of
public convenience and necessity
authorizing the transportation of
general commodities between points
within the San Francisco Territory
and other designated points.

Application No. 54068
(Filed May 29, 1973)

O P I N I O N

Applicant operates pursuant to a radial highway common carrier permit which authorizes the transportation of general commodities within a radius of 350 miles from Stockton and a highway contract carrier permit which authorizes the statewide transportation of general commodities. By this application, it seeks a certificate of public convenience and necessity authorizing operations as a highway common carrier for the transportation of general commodities between points and places in California as set forth in Exhibit "A" attached to the application. In addition to the San Francisco Territory, the places sought to be served include Novato, Vallejo, Sacramento, Stockton, Livermore, Fresno, Kettleman City, and numerous intermediate points. Applicant also requests a finding that public convenience and necessity require corresponding authority to transport shipments moving in interstate and foreign commerce. Copies of the application were served upon various existing carriers with which the proposed service might compete and on the California Trucking Association. It was also listed on the Commission's Daily Calendar. An appropriate notice was published in the Federal Register on June 13, 1973. In order to avoid protests by two highway common carriers, applicant informed the Commission by letter dated September 12, 1973 that it now seeks authority to transport machinery,

lumber and forest products, insulators, iron and steel products and commodities, and electrical equipment only in shipments weighing 5,000 pounds or more. There are no protests.

Applicant proposes to render a daily service, Monday through Friday, in both intrastate and interstate or foreign commerce. Time in transit will be the same day and overnight, depending upon the time of day the request for service is received. The rates to be charged for the proposed service and rules and regulations applicable thereto will be the same as those set forth in Minimum Rate Tariff 2 and other applicable minimum rate tariffs of the Commission. Attached to the application as Exhibit D is a schedule of equipment. As of December 31, 1972, applicant's net worth was \$180,857. Its net profit for the year 1972 was \$15,824.

Applicant alleges that for a substantial period of time it has performed transportation within the territory requested herein. As a result of customer demands between the points herein involved, applicant's service has now expanded to approach that of a common carrier.

Upon consideration, the Commission finds as follows:

1. Applicant possesses the necessary equipment, experience, personnel, and financial ability to institute, maintain, and conduct 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.

A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order. 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 Bill Rackley Trucking, Incorporated, 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.

A. 54068 ek

- (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 7th day of NOVEMBER, 1973.

I dissent:

~~Ed Holmes~~, Commissioner

Vernon L. Sturgeon
President
William J. Sproul
William J. Sproul
John W. ...
Commissioners

Bill Rackley Trucking, Incorporated, 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:

- A. Shipments weighing 5000 pounds or more, of the following specified commodities:
 - 1. Machinery.
 - 2. Lumber and lumber products
 - 3. Insulators.
 - 4. Iron and steel products.
 - 5. Electrical equipment.
- B. Between all points and places in the San Francisco Territory as described in Note A.
- C. Between all points and places on or within 20 miles laterally of the following routes:
 - 1. Interstate Highway 80 between Sacramento and its junction with State Highway 17, near Albany.
 - 2. State Highway 17 between its junction with Interstate Highway 80, via the Richmond-San Rafael Bridge, and its junction with U.S. Highway 101.
 - 3. U.S. Highway 101 from Novato to San Francisco.
 - 4. State Highway 37 between its junctions with U.S. Highway 101, near Ignacio, and with Interstate Highway 80.
 - 5. State Highway 21 between its junction with Interstate Highway 80, near Cordelia, and with Interstate Highway 680, near Benicia.

Issued by California Public Utilities Commission.

Decision No. 82080, Application No. 54068.

6. State Highway 12 between its junctions with Interstate Highway 80, near Fairfield, and with State Highway 99, near Lodi.
7. Interstate Highway 680 between its junctions with Interstate Highway 80, near Vallejo, and with Calaveras Road, near Milpitas.
8. State Highway 24 between its junctions with Interstate Highway 680, near Walnut Creek, and Interstate Highway 80.
9. State Highway 4 between its junctions with Interstate Highway 680, near Concord, and with State Highway 99, near Stockton.
10. Interstate Highway 580 between its junctions with State Highway 17, near Emeryville, and with Interstate Highway 5, near the San Joaquin-Stanislaus County Line.
11. Interstate Highway 205 between its junctions with Interstate Highway 580, near Mountain House, and with Interstate Highway 5, near Banta.
12. State Highway 84 between its junctions with Interstate Highway 580, near Springtown, and with Interstate Highway 680 at Scotts Corner.
13. State Highway 99 between Sacramento and Fresno.
14. State Highway 33 between its junctions with Interstate Highway 5, at Lehman Road near the Defense Depot, Tracy, and Interstate Highway 5, near the San Luis Reservoir, and between its junctions with State Highway 152, near Los Banos, and with State Highway 198, at Oil Fields.
15. State Highway 132 between its junctions with Interstate Highway 580, and with State Highway 99, near Modesto.

Issued by California Public Utilities Commission.

Decision No. 82080, Application No. 54068.

- Note A**

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

Decision No. 82080, Application No. 54068.

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.

(END OF APPENDIX A)

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Decision No. 82080, Application No. 54068.