

ORIGINALDecision No. 82299

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
EAST BAY DRAYAGE & WAREHOUSE CO.,
a California corporation, to transfer
a certificate of public convenience
and necessity to GEORGE J. PANDOLFO,
an individual, doing business under
the fictitious name of SERVICE TRUCK
LINES, and of GEORGE J. PANDOLFO, an
individual, doing business under the
fictitious name of SERVICE TRUCK
LINES to acquire said certificate of
public convenience and necessity.

Application No. 54188
(Filed July 20, 1973)

O P I N I O N

East Bay Drayage & Warehouse Co. request authority to sell and transfer, and George J. Pandolfo, doing business as Service Truck Lines, requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 61448 dated February 7, 1961 in Application No. 42734, as amended by Decision No. 79868 dated March 28, 1972 in Application No. 53188, and authorizes the transportation of general commodities, with limited exceptions, to and between points in the greater San Francisco Bay Area. Corresponding interstate rights are also included within the proposed transfer. The agreed cash consideration for the intrastate and interstate rights is \$27,000.

George J. Pandolfo, applicant purchaser, has been engaged in the transportation of property as a permitted carrier since 1965 and as of December 31, 1972 indicated a net worth in the amount of \$128,543.

A copy of the application was served upon the California Trucking Association. No protest has been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect upon the environment. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by East Bay Drayage & Warehouse Co., a corporation, and the issuance of a certificate in appendix form to George J. Pandolfo, doing business as Service Truck Lines. This certificate will not change or broaden the authority transferred.

In the event the transfer is completed, George J. Pandolfo is placed on notice that he may not engage in the transportation both as a highway common carrier and as a highway contract carrier of the same commodities between the same points except as provided in Section 1066.2 of the Public Utilities Code.

The authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

George J. Pandolfo 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. On or before October 1, 1974, East Bay Drayage & Warehouse Co. may sell and transfer the operative rights referred to in the application to George J. Pandolfo.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that he has adopted or established, as his own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series. Failure to comply with the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the transfer the purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to George J. Pandolfo authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted by Decision No. 61448 dated February 7, 1961 in Application No. 42734, as amended by Decision No. 79868 dated March 28, 1972 in Application No. 53188, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

8. Purchaser shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, he 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 3rd day of JANUARY, 1974

Vernon L. Sturgeon
President
William Symons, Jr.
[Signature]
[Signature]
Commissioners

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

George J. Pandolfo, doing business as Service Truck Lines, 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:

- A. Between all points in the San Francisco Territory as described in Note A and places within 10 miles of any point therein.
- B. Between all points located on or within ten miles laterally of the following routes:
 1. Interstate Highway 80 between San Francisco and Vallejo inclusive.
 2. Interstate Highways 580 and 205 between San Francisco and Tracy, inclusive.
 3. State Highway 24 between Oakland and its junction with State Highway 4, near Port Chicago Highway, inclusive.
 4. State Highway 4 between its junction with Interstate Highway 80, near Pinole, and Antioch, inclusive.
 5. State Highway 680 between Walnut Creek and Warm Springs, inclusive.

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.

Issued by California Public Utilities Commission.

Decision No. 82299, Application No. 54188.

2. 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.
3. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
4. Petroleum products, in bulk, in tank vehicles.
5. Fresh fruits and vegetables.
6. Sodium hypochlorite solution, and sodium hydroxide solution, cleaning compounds, animal litter (chopped alfalfa pellets), in bags, and laundry bleach (dry) when transported in mixed shipments with sodium hypochlorite solution, that originate at Oakland, California, and empty pallets returning to Oakland which was the origin of the outbound palletized shipment of said commodity or commodities. This exclusion does not apply when sodium hypochlorite solution is transported in mixed shipments with commodities authorized to be transported under this authority, except as provided herein, or when interlined with a water, rail or motor carrier for further transportation.

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

Issued by California Public Utilities Commission.

Decision No. 82299, Application No. 54188.

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 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)

Issued by California Public Utilities Commission.

Decision No. 82299, Application No. 54188.