

ORIGINALDecision No. 82713

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
TED PETERS TRUCKING COMPANY, INC.,
a California corporation, for a
certificate of public convenience
and necessity to extend highway
common carrier service.

Application No. 54104
(Filed June 12, 1973;
amended February 26, 1974)

O P I N I O N

Ted Peters Trucking Company, Inc., presently providing service as a highway common carrier for the transportation of general commodities, with certain exceptions, moving in intrastate, interstate, and foreign commerce by application filed June 12, 1973, requested the following:

1. The removal of a restriction against local service between points in the San Francisco East Bay Cartage Zone, on the one hand, and points and places in Marin, Sonoma, and Napa Counties north of San Rafael, on the other hand.
2. Authority to serve points and places on Interstate Highway 5 between Wheeler Ridge and its junction with Interstate Highway 580 (near Tracy) and points within 20 miles thereof. Corresponding interstate authority is also requested.

Copies of the application were served upon the California Trucking Association and 14 additional carriers. Appropriate notice was published in the Federal Register on January 24, 1974. Protest was received, and an amendment to the application was filed February 24, 1974 restricting the application. Protest was thereupon withdrawn.

Applicant is presently providing service pursuant to authority granted by Decision No. 78050 dated December 8, 1970, as amended by Decision No. 78167 dated January 13, 1971 in Application No. 52238.

The proposed service would be daily, with the exception of Saturdays, Sundays, and holidays.

Applicant owns and operates 153 units of equipment. The rates to be charged would be the same scale of rates as those contained in Minimum Rate Tariff 2 and other applicable minimum rate tariffs of the Commission.

It is alleged that applicant already provides service in the area proposed and granting this authority will enable applicant to meet the demands of its customers and provide a more efficient service.

After consideration the Commission finds that:

1. Because of an increasing demand by its customers for its service on shipments moving in intrastate, interstate, and foreign commerce, applicant at the present time extends service to the proposed areas under restrictions.
2. Applicant possesses the necessary equipment, facilities, experience, and financial ability to provide the proposed service.
3. 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 intrastate operations authorized by the order herein. A public hearing is not necessary.
4. 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, as amended, should be granted. Applicant's operating authority will be restated in the form of a new certificate. Such restatement will not broaden the authority nor exceed the scope of the proposed authority 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 Ted Peters Trucking Company, Inc., a California 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. 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. 78050, as amended, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

3. Within sixty days after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file with the Commission to reflect the authority herein granted.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of APRIL, 1974.

William L. Stinson
President
William Simpson Jr.
Mark
Alvin
Commissioners

Ted Peters Trucking Company, 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:

FROM, TO AND BETWEEN:

A. All points and places on or within 20 miles of:

1. Interstate Highway 80 between San Francisco and Roseville.
2. State Highway 99 between Sacramento and its junction with Interstate Highway 5 near Wheeler Ridge; Interstate Highway 5 between its junction with State Highway 99 and the City of Los Angeles; Interstate Highway 10 between the City of Los Angeles and Redlands.
3. Interstate Highway 580 between San Francisco and its junction with Interstate Highway 205 near the Alameda-San Joaquin County Line; Interstate Highway 205 between its junction with Interstate Highway 205 and its junction with Interstate Highway 5; Interstate Highway 5 between its junction with Interstate Highway 205 and Stockton.
4. State Highway 4 between its junction with Interstate Highway 80, near Pinole, and Stockton.
5. State Highway 33 between Tracy and Maricopa.

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6. U.S. Highway 101 between Santa Rosa and the City of Los Angeles; Interstate Highway 5 between the City of Los Angeles and San Ysidro. State Highway 82 between San Francisco and San Jose. State Highway 1 between Montalvo and its intersection with Interstate Highway 5 near Capistrano Beach.
 7. State Highway 65 between its intersection with Interstate Highway 80 near Roseville, and Yuba City; State Highway 99 between Yuba City and Chico.
 8. State Highway 37 between Ignacio and Vallejo.
 9. U.S. Highway 395 (Interstate Highway 15), between Riverside and San Diego.
 10. State Highway 152 between Gilroy and its intersection with State Highway 99, near Califa.
 11. State Highway 17 between Oakland and San Jose.
 12. Interstate Highway 5 between Wheeler Ridge and its junction with Interstate Highway 580, near Tracy.
- B. All points and places in Los Angeles Basin Territory, as described in Note A, locally and between all such points, on the one hand, and points and places on routes 1 through 12 above, on the other hand.

EXCEPTIONS: No local service shall be rendered between points and places in the San Francisco-East Bay Cartage Zone, as described in Note B, on the one hand, and points and places in Marin, Sonoma, or Napa Counties north of San Rafael, on the other hand; provided, however, that this Exception shall not apply to the transportation of (1) commodities requiring the use of special refrigeration or temperature

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control in specially designed and constructed refrigerated equipment, or (2) commodities, other than wine and alcoholic beverages, in intermodal cargo containers.

In performing the service herein authorized, carrier 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 institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. Automobiles, trucks and buses when transported on truck or trailer equipment specially designed for the transportation of vehicles.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
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.

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5. Commodities when transported in conventional tilt dump trucks.
6. Commodities when transported in vehicles equipped for mechanical mixing in transit.
7. Fruits and vegetables having origin in fields of growth and consigned to cold storage, canneries, packing sheds, packing houses, or other processing facilities.
8. Cans, metal, tin plated or not tin plated, with or without ends.
9. Cotton, Cotton Linters and Cotton Motes.
10. Liquid dairy products, fresh, in straight shipments in bulk in tank trucks or tank trailers, or in mixed shipments partially in bulk in such tank vehicles and partially in packages in trucks or trailers other than tank vehicles.
11. Logs.

NOTE A

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;

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southerly along Bryant Street to and including the unincorporated 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.

NOTE B

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said

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boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

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