

ORIGINAL

Decision No. 83186

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
AMERICAN TRANSFER CO., a corporation,
for an In-Lieu Certificate of Public
Convenience and Necessity to operate
as a highway common carrier for the
transportation of property in
intrastate and interstate and
foreign commerce.

Application No. 54459
(Filed November 19, 1973)

O P I N I O N

American Transfer Co., a corporation, presently providing service as a highway common carrier requests authority to extend service for the transportation of shipments moving in intrastate, interstate, and foreign commerce. Copies of the application were served upon 49 carriers with which the proposed extended service might compete as well as upon the California Trucking Association. An appropriate notice was published in the Federal Register on December 13, 1973. Several protests were filed, but were subsequently withdrawn when the application was amended by restricting the transportation of shipments moving to or from points more than 10 miles south of Bakersfield to 10,000 pounds or more.

Applicant is presently authorized to transport general commodities between the San Francisco Bay area and Bakersfield, including numerous intermediate and off-route points. By its application, as amended, applicant proposes to extend service to the Los Angeles Basin Territory, but not locally therein. Applicant also proposes to fill in some gaps in its service north of Bakersfield and in addition thereto proposes to transport special commodities, which are required for the construction, maintenance, and operation of high voltage transmission lines of Pacific Gas and Electric Company, within a limited area from Paso Robles, Morro Bay,

San Luis Obispo, and Arroyo Grande, on the west, to Avenal, Lost Hills, and McKittrick, on the east.

Applicant owns and operates 391 units of equipment and as of May 31, 1973, indicated a net worth in the amount of \$1,983,895.

It is alleged that applicant has developed a substantial volume of business to the Los Angeles Basin Territory pursuant to its permitted authority; that many of applicant's customers using its service north of Bakersfield also request its service south of Bakersfield; that Southern California shippers have expanded their use of applicant's service to the point where applicant's entire operation should now be converted to highway common carrier status; that applicant's present certificates north of Bakersfield require redefining to incorporate new highways that have been established and to fill gaps, such as that on the route between Vallejo and Sacramento; that Sacramento is presently being served via a circuitous route from San Francisco; that a direct route to Sacramento is available to applicant under its present authority from such points as Fresno and Modesto; that in addition to the need for the extension of applicant's general commodity service, there is an increasing and expanding need for applicant's special service in connection with the construction of the high voltage transmission lines of Pacific Gas and Electric Company; and that this service will require both intrastate and interstate authority, because shipments come from both within and without California and from numerous suppliers so that contract carrier authority cannot be utilized.

After consideration the Commission finds that 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 this decision.

The Commission concludes that the application should be granted as provided by the order herein, and that applicant's operating authority should be restated in the form of a new certificate. The territorial description or routes 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. A public hearing is not necessary.

We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

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 American Transfer Co., 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 amend or 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.

3. 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 the following decisions, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b):

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
65633	7/2/63	45407
60572	8/16/60	41511
60876	10/11/60	41511
74429	7/23/68	49941
75247	1/28/69	50746
61028	11/7/60	42412
63871	7/2/62	44461
76019	8/12/69	51064
63024	1/9/62	43207

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

Dated at San Francisco, California, this 23rd day of JULY, 1974.

Vernon L. Johnson
President
William J. Lyons
William J. Lyons
William J. Lyons
William J. Lyons
Commissioners

American Transfer Co., 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 following transportation:

I. General commodities:-

- A. Between all points and places in the San Francisco Territory, as described in Note A.
- B. Between all points and places on or within 15 miles laterally of the following routes:
 1. Interstate Highway 80 between San Francisco and its junction with State Highway 65, near Roseville; State Highway 65 between its junction with Interstate Highway 80 and Lincoln.
 2. State Highway 4 between its junction with Interstate Highway 80, near Pinole, and Stockton.
 3. Interstate Highway 580 between its junction with Interstate Highway 80, near Emeryville and its junction with Interstate Highway 5 near the Stanislaus-San Joaquin County Line; Interstate Highway 205 between its junction with Interstate Highway 580, near the Alameda-San Joaquin County Line, and its junction with Interstate Highway 5, northeast of Tracy;
 4. State Highway 120 between its junction with Interstate Highway 5 and its junction with State Highway 99.

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5. State Highway 33 between its junction with Interstate Highway 5, southeast of Tracy, and Maricopa; State Highway 180 between Mendota and Fresno; State Highway 152 between Los Banos and its junction with State Highway 99.
6. State Highway 99 between Sacramento and its junction with Interstate Highway 5, near Wheeler Ridge, including the off-route point of Ione.
7. State Highway 166 between Maricopa and its junction with State Highway 99.
8. Interstate Highway 5 between Dunnigan and Sacramento and between its junction with Hammer Lane and the Los Angeles Basin Territory, as described in Note B.
9. State Highway 198 between its junction with Interstate Highway 5 and its junction with State Highway 65, near Exeter.
10. State Highway 65 between its junction with State Highway 198, and its junction with State Highway 99, north of Bakersfield.
11. Unnumbered highway (Clovis Avenue), between Clovis and its junction with State Highway 99, northwest of Fowler.
12. Unnumbered highway (Jensen Avenue) between Colma and Sanger.
13. Unnumbered Highway (Manning Avenue), between its junction with State Highway 99 southeast of Fowler, and Reedley.
14. Unnumbered Highway (Mountain View Avenue), between its junction with State Highway 99 near Selma, and Dinuba.

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15. County Road J-19 (Road 80) between Dinuba and its junction with State Highway 198, west of Visalia.
16. State Highway 43 between its junction with State Highway 198, east of Hanford, and Wasco.
17. State Highway 41 between Fresno and its junction with Interstate Highway 5, south of Kettleman City.
18. State Highway 58 between Buttonwillow and McKittrick.

Except that pursuant to the authority granted in Part I hereof, 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.
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.

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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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
9. Glass, window, other than plate; from Fresno to the Los Angeles Basin Territory.

II. Structural steel forms, tower line hardware, utility poles, insulators, wire, conductors and such other commodities as are required for the construction, maintenance and operation of the high voltage transmission lines of Pacific Gas and Electric Company:

- A. Between all points and places on or within 15 miles laterally of the following routes:
 1. State Highway 41 between its junction with State Highway 1, north of Morro Bay, and its junction with Interstate Highway 5, south of Kettleman City.
 2. State Highway 46 between Paso Robles and Lost Hills.
 3. State Highway 58 between Santa Margarita and McKittrick.
 4. Unnumbered highway between Arroyo Grande and La Panza via Arroyo Grande Forest Station and Pozo.
 5. State Highway 1 between its junction with State Highway 1, north of Morro Bay and San Luis Obispo.

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6. U.S. Highway 101 between Paso Robles and Arroyo Grande.

III. The authority granted herein is subject to the following conditions:

- A. 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.
- B. No local service is authorized between points in the Los Angeles Basin Territory.
- C. On shipments originating at or destined for any point more than ten miles south of Bakersfield, service is restricted to shipments each weighing 10,000 pounds or more.

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 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

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Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly 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.

NOTE B

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.

(END OF APPENDIX A)