

Decision No. 84095**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of Senna Trucking Co., Inc., a
 California Corporation, for an
 extension of its Certificate of
 Public Convenience and Necessity,
 authorizing the transportation of
 general commodities between
 certain points.

Application No. 55312
 (Filed November 14, 1974)

O P I N I O N

Senna Trucking Co., Inc., presently operating as a highway common carrier for the transportation of certain commodities between the San Francisco and Los Angeles Territories and for the transportation of lumber and forest products between points in northern and central California, requests authority to provide additional service for the transportation of general commodities, with certain exceptions, between points within the San Francisco Territory. In addition, applicant requests that its certificate for the transportation of lumber and forest products be restated as to replace the 36 route descriptions with a single territorial description. It is alleged that this will eliminate difficulties in determining the scope of the authority, and the proposed certificate is, with minor exceptions, substantially the same as heretofore authorized by the Commission. Applicant also proposes to provide a corresponding service for the transportation of general commodities moving in interstate and foreign commerce between points within the San Francisco Territory. Copies of the application were served upon 98 existing carriers with which the proposed service might compete, and an appropriate notice was published in the Federal Register on November 27, 1974. No protest has been received.

Applicant owns and operates 45 units of equipment and as of December 31, 1973 indicated a net worth in the amount of \$490,396.

Applicant proposes a daily service Monday through Friday, with an "on-call" service available on weekends and holidays. The proposed rates would be comparable to those set forth in Minimum Rate Tariff 2.

It is alleged that applicant's founder, Manuel Senna, commenced business in 1938; that he incorporated in 1955; that applicant has been operating for many years within the San Francisco Territory as a permitted carrier; that its permitted operations have continuously grown and developed over the years; that due to the increased demands of its customers the frequency of applicant's operations between points within the San Francisco Territory have also increased; and that certification of its service within the proposed area is necessary if applicant is to continue to serve its customers.

After consideration the Commission finds that:

1. Applicant is presently providing service as a permitted carrier within the proposed San Francisco Territory.
2. Applicant's permitted operations within the proposed service area have materially grown and developed 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. Notice of this application appeared in the Federal Register on November 27, 1974.
5. Restatement of applicant's lumber and forest products authority as requested would eliminate problems arising in ascertaining the points and routes authorized to be served.
6. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed 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.
7. With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted as set forth in the ensuing order. Applicant's operating authority will be restated in the form of a new certificate. The territorial descriptions or routes of the authority granted reflect the names of redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operations as published in the Federal Register. 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 Senna Trucking Co., 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 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 administered by 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 reissue 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. Concurrent with the tariff filings required by Ordering Paragraph 2(b), the operating authority granted by Decision No. 70470 dated March 22, 1966 in Applications Nos. 46993 and 36216 and by Decision No. 48007 dated December 2, 1952 in Application No. 33613 is hereby revoked.

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

Dated at San Francisco, California, this 19th
day of FEBRUARY, 1975.

Vernon L. Stinson
President
William Lyman J.
Leonard Ross
Commissioners

Senna Trucking Co., 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 as follows:

- A. GENERAL COMMODITIES between all points and places in the San Francisco Territory as described in Note A (See exceptions).
- B. COMMODITIES named below, between the San Francisco Territory and the Los Angeles Territory as described in Note B:
 - 1. BOILERS, FURNACES, RADIATORS, STOVES, RELATED ARTICLES OR PARTS NAMED, as described in Items Nos. 25400 to 27682.
 - 2. IRON OR STEEL, as described in Items Nos. 104000 to 107520.
 - 3. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, as described in Items Nos. 50750 to 52620.
 - 4. ALUMINUM ARTICLES, as described in Items Nos. 13100 to 13812.
 - 5. BRASS, BRONZE AND COPPER, as described in Items Nos. 30100 to 31000.
 - 6. MACHINERY, as described in Items Nos. 114000 to 133454.
 - 7. MISCELLANEOUS COMMODITIES, VIZ.:
 - Rubber, reclaimed
 - Rubber, crude
 - Scrap metal

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The authority in this part B does not include the right to render service to, from or between intermediate points.

The term "Items", as used above, means the items so designated in National Motor Freight Classification A-8, F. G. Freund, Issuing Officer, on the issue date thereof, including Supplements 7, 9, 10 and 11 thereto.

C. LUMBER AND FOREST PRODUCTS:

1. Between all points in that part of California north of a line beginning at the Pacific Coast west of Carmel and extending through Carmel to Merced; thence, to the California-Nevada State Line through the junction of U.S. Highway 395 and State Highway 89, near Topaz.
2. In performing the service in this part, 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 and personal effects not packed in salesman'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, 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.

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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.
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. Cement.
8. Logs.
9. Commodities of unusual or extraordinary value.
10. Fresh fruits and vegetables.

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; south-

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erly 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; 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 TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill

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Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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