

ORIGINALDecision No. 84177

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SHIMA TRANSFER CO., a corporation,
for a certificate of public convenience
and necessity authorizing the trans-
portation of general commodities be-
tween certain designated points within
the State of California.

Application No. 55042
(Filed July 17, 1974)

O P I N I O N

Shima Transfer Co., a California corporation, presently providing service as a highway common carrier between points within the San Francisco Territory, requests authority to extend service to an area from Napa, Vacaville, and Sacramento, on the north, to Monterey, Salinas, Hanford, and Tulare, on the south. Applicant also proposes to provide a corresponding interstate service. Copies of the application were served upon existing carriers with which the proposed service might compete. An appropriate notice was published in the Federal Register on August 14, 1974. Protests were filed by Delta Lines, Inc. and Pacific Motor Trucking Co., but were subsequently withdrawn when applicant filed an amendment to the application restricting service in the proposed area to shipments weighing 10,000 pounds or more.

Applicant's present certificate was granted by Decision No. 80741 dated November 21, 1972 in Application No. 53463. In addition to its certificated service applicant also conducts operations as a permitted carrier.

Applicant's main place of business is located in San Francisco. It owns and operates 50 units of equipment and as of March 31, 1974, indicated a net worth in the amount of \$166,781.

The proposed service would be daily, Monday through Friday. The time-in-transit would be both same day and overnight, depending upon the time of day requests for service are received. The proposed rates would be comparable to those set forth in Minimum Rate Tariff 2.

It is alleged that applicant is presently conducting operations and has conducted these operations for a substantial period of time outside the area encompassed by its certificated authority and generally within the proposed area pursuant to its permitted authorities; that since first instituting these operations applicant has substantially increased its fleet of operating equipment, and its scope of operations has continually increased to the point that it now serves a large number of shippers to and between these points on virtually a day-to-day basis; that one of the reasons prompting this expansion in applicant's operations is the equally substantial growth of the population within the proposed area; that another factor which has led to this expansion is the responsive and efficient nature of the applicant's transportation service which has in turn caused an ever-increasing demand for its service from an equally increasing number of shippers having need for a transportation service within the proposed area; and that applicant is in the position of having to seek additional certificated authority so as to allow it to continue the operation which it is presently conducting within the proposed area.

After consideration the Commission finds that:

1. Applicant is presently providing service as a permitted carrier within the proposed certificated area.
2. Applicant's permitted operations within the proposed service area have materially grown and developed over the years 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 August 14, 1974.

5. 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.

6. 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. 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 operation 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 Shima Transfer Co., 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 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 certificate of public convenience and necessity granted by Decision No. 80741 which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 11th
day of MARCH, 1975.

Vermon L. Sturgeon
President
William L. Sturgeon, Jr.
Sturgeon
Leonard Rossi
Commissioners

Shima 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 transportation of general commodities as follows:

1. Between all points and places in the San Francisco Territory as described in Note A.
2. Between all points and places on or within 20 miles laterally of the following routes (Subject to a minimum weight of 10,000 pounds per shipment):
 - (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive;
 - (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive;
 - (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive;
 - (d) Interstate Highway 5 between its junction with State Highway 4 at Stockton and its junction with State Highway 198, inclusive;
 - (e) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive;
 - (f) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive;
 - (g) State Highway 99 between Sacramento and Tulare, inclusive;
 - (h) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99.
 - (i) State Highway 33 between its intersection with Interstate Highway 5 and its intersection with State Highway 152.

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- (j) State Highway 180 between its intersection with State Highway 33, near Mendota, and its intersection with State Highway 99.
- (k) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99.
- (l) State Highway 29 between Napa and its junction with Interstate Highway 80 near Vallejo.
- (m) U.S. Highway 101 between its intersection with Tully Road at San Jose, and Salinas.
- (n) State Highway 17 between its intersection with Los Gatos-San Jose Road at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive.
- (o) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive.
- (p) State Highway 156 east from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive.
- (q) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive.
- (r) State Highway 152 between its intersection with State Highway 1 at Watsonville, and its intersection with U.S. Highway 101 at Gilroy, inclusive.

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,

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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.
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.

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

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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 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.

(END OF APPENDIX A)

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