

Decision No. 84680**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HATFIELD TRUCKING SERVICE, INC., a
California corporation, for a cer-
tificate of public convenience and
necessity as a highway common car-
rier in intrastate service and for
a co-extensive certificate of reg-
istration for interstate service.

Application No. 54798
(Filed April 10, 1974;
amended April 2, 1975
and April 17, 1975)

O P I N I O N

Hatfield Trucking Service, Inc., a California corporation, presently providing service as a radial highway common carrier under Commission File No. T-100,123 and as an interstate common carrier authorized by Interstate Commerce Commission Docket No. MC-117503 dated April 27, 1972 and September 7, 1973, hereby seeks a certificate of public convenience and necessity to carry general commodities, with the usual exceptions, between the following points, serving all intermediate points on said routes and all off-route points within 20 miles thereof:

1. Williams and Stockton on Interstate Highway 5.
2. Marysville and Stockton on State Highway 99.
3. Williams and Marysville on State Highway 20.
4. Sacramento and Placerville on U. S. Highway 50.
5. Roseville and the San Francisco Territory on Interstate Highway 80.
6. Pinole and Stockton on State Highway 4.
7. The San Francisco Territory and Stockton on Interstate Highway 580, Interstate Highway 205, and Interstate Highway 5.
8. Also serving the off-route point of Sierra Ordinance Depot at Herlong and all off-route points in the County of Amador.

The authority is to be restricted against service commencing and terminating within a geographical area comprised of the San Francisco Territory and points within five miles thereof. The applicant also proposes that in performing the service all routes and points listed above be joined and combined, and use be made of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. 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. Appropriate notice was published in the Federal Register on May 8, 1974. Protests were filed by Ted Peters trucking, Cabs Unlimited, Inc., and Pacific Motor Trucking, Inc., but were subsequently withdrawn when applicant filed amendments to the application restricting the proposed service as provided above.

Applicant's principal place of business is located in Sacramento. It owns and operates 61 pieces of equipment as of April 9, 1974 with an indicated net worth in the amount of \$78,290.

The proposed service would be daily, Monday through Friday, with on-call service available on Saturdays, Sundays, and holidays. Rates and charges would be published in conformity with rates and charges contemporaneously published by competing common carriers.

Applicant's present operation consists of hauling "prior and subsequent to air" military shipments to and from the Sacramento and San Francisco International Airports. It is alleged that when additional ICC authority was received in 1973, its existing ICC authority was tacked from both the San Francisco Airport and the Sacramento Airport to 27 northern California counties; that such service prompted customers to ask applicant to provide full general commodity service in intrastate service; that if the service

requested by customers were provided, applicant would be running over regular routes between fixed termini as a highway common carrier; that, the geographical area involved is presently being served by applicant; and that the proposed service would better serve the public by utilization of applicant's manpower, equipment, and fuel.

After consideration the Commission finds that:

1. Applicant is presently providing service as a radial highway common carrier within the proposed certificated area.
2. Applicant possesses interstate authority to serve the proposed intrastate certificated area.
3. Applicant possesses the necessary equipment and financial ability to provide the proposed service.
4. Appropriate notice appeared in the Federal Register of May 8, 1974.
5. 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 the order herein.
6. We find 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 should be granted as set forth in the ensuing order. The territorial description 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.

Hatfield Trucking Service, Inc. 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 Hatfield Trucking Service, 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 of this decision.
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 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.

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

Dated at San Francisco, California, this 15th day of JULY, 1975.

I dissent:

~~Commissioner~~, Commissioner

~~Commissioner~~ President

~~Commissioner~~ Veronica L. Lohman
U. Ross
Robert B. Brown
 Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Hatfield Trucking Service, 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 as follows:

Between the following points, serving all intermediate points on or within 20 miles of the highway:

1. Williams and Sacramento on Interstate Highway 5.
2. Marysville and Stockton on State Highway 99.
3. Williams and Marysville on State Highway 20.
4. Sacramento and Placerville on U.S. Highway 50.
5. The San Francisco Territory as described in Note A, and Roseville on Interstate Highway 80.
6. Pinole and Stockton on San Pablo Avenue and State Highway 4.
7. The San Francisco Territory and Stockton on Interstate Highways 580, 205 and 5.
8. The off-route point of Sierra Ordinance Depot at Herlong.
9. All off-route points in the county of Amador.

Restriction: No local service is authorized between points in the San Francisco Territory or within 5 miles thereof.

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.

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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, 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-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
8. Logs.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Radiopharmaceuticals, radioactive chemicals, live animals or diagnostic kits.

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 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

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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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