

Decision No. 84893**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HASLETT COMPANY, a California
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. 54265
(Filed August 23, 1973;
amended June 6, 1975)

O P I N I O N

Applicant operates as a highway common carrier for the transportation of general commodities, with the usual exceptions, between points in the San Francisco Bay Area, Sacramento, the San Joaquin Valley, as far south as Fresno, and the Salinas Valley. The authority was transferred to applicant by Decision No. 64585 dated December 4, 1962 in Application No. 44874 and is set forth in Decision No. 47146 dated May 13, 1952 in Application No. 33236, Decision No. 59794 dated March 15, 1960 in Application No. 41569, Decision No. 62711 dated October 24, 1961 in Application No. 43792, and Decision No. 62834 dated November 21, 1961 in Application No. 43259. It also operates in intrastate commerce pursuant to radial highway common carrier and highway contract carrier permits issued by this Commission and interstate and foreign commerce pursuant to authority issued by the Interstate Commerce Commission.

By this application, as amended, applicant seeks authority to extend its highway common carrier service to include the Los Angeles Basin Territory and various intermediate points. It requests an in lieu certificate, including both its present and sought authority. A copy of the application has been filed with the Interstate Commerce

Commission under Section 206(a)(6) of the Interstate Commerce Act, and notice thereof appeared in the Federal Register on September 6, 1973. The amendment eliminated certain of the routes sought in the original pleading and made no other changes. The Commission was notified on May 23, 1975 by Pacific Motor Trucking Company and on June 17, 1975 by Delta Lines, Inc., the only two protestants, that since the amendment eliminated the extensions to which each objected, their protests were withdrawn.

The application states that for a number of years, applicant has had an arrangement with Kern Valley Trucking, a highway common carrier serving generally between Fresno and Los Angeles and intermediate points, whereby they would interline at Fresno freight originating in the certificated territory of one and destined to the certificated territory of the other; that this interlining arrangement has caused delays of at least one or more days to the shipping public in connection with such shipments; that the sought extensions, if granted, will enable applicant to provide a single-line, direct service to southern California points and eliminate the inconvenience to its customers and the extra expense to it resulting from its present interline arrangement; that Kern Valley Trucking is also seeking an extension of its certificate in Application No. 54156 to include the points now served by applicant so that it can provide through service to the San Francisco area and other northern California points; that applicant has not been operating at a profit; and that if the authority it seeks is granted it will be able to restructure its operations and thereby generate additional net income.

Applicant operates 245 pieces of equipment, including trucks, tractors, trailers, and converter gears, and will add any additional equipment that may be necessary should the sought authority

be granted. Its balance sheet dated December 31, 1974 shows assets of \$1,108,005, liabilities of \$882,174, and stockholders' equity of \$225,831. For the period ending December 31, 1974 applicant had revenue of \$3,565,477, expenses of \$3,535,347, and a net profit of \$30,130 from its trucking operations. From both its public warehouse and trucking operations, it had a net loss of \$13,410.71 after provision for income taxes for this period.

Copies of the application and amendment were served in accordance with the Commission's procedural rules, and they were listed in the Commission's Daily Calendar. Other than the two protests, which have been withdrawn, no other protests have been received.

Findings

1. Applicant has the experience, equipment, and ability to provide the proposed additional services.

2. Public convenience and necessity require that applicant be authorized to engage in operation in intrastate commerce as proposed in the application, as amended, and also require that the 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.

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

4. A public hearing is not necessary.

Conclusions

The application, as amended, should be granted as set forth in the ensuing order.

Haslett Company, a corporation, 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 Haslett Company, 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 of this decision.

2. 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 Decisions Nos. 47146, 59794, 62711, 62334, and 64585, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b).

3. 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.

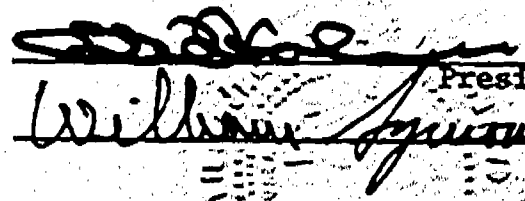
- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

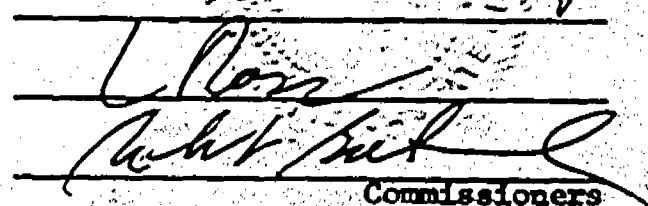
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of 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 19th
day of AUGUST, 1975.



President


Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Haslett Company, a California corporation, 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.

I. From, to and between all points on and within 10 miles on either side of the following routes:

1. Between San Francisco-East Bay Cartage Zone (as described in Section II herein) and Auburn via Interstate Highway 80 including all points within 20 miles of the city limits of Sacramento.
2. Between San Francisco-East Bay Cartage Zone (as described in Section II herein) and Pacific House via Interstate Highways 580, 205, 5, Temporary Interstate 5, State Highway 99, and U. S. Highway 50, including all points within 20 miles of the city limits of Stockton.
3. Between Stockton and Fresno via State Highways 4 and 99.
4. Between Hercules and Stockton via State Highway 4.
5. Between the junction of Interstate Highway 80 and State Highway 113 south of Davis and Marysville via State Highway 113 and State Highway 20.
6. Between San Francisco-East Bay Cartage Zone (as described in Section II herein) and Sacramento via State Highways 24, 4 and 160.
7. Between Roseville and Yuba City via State Highways 65, 70 and 20.
8. Between Sacramento and Woodland via California State Highway 16.
9. Between Auburn and Jackson via California State Highway 49.

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10. Between U. S. Highway 50 at Clarksville and California State Highway 16 via Latrobe Road.
11. Between Sacramento and California State Highway 49 north of Drytown via California State Highway 16.
12. Between Oakland and Santa Cruz via State Highway 17.
13. Between Novato and Salinas via U. S. Highway 101.
14. Between junction of State Highway 4 near Pacheco and junction of State Highway 17 near Warm Springs District of the City of Fremont, via Interstate Highway 680.
15. Between junction of Interstate Highway 5 and State Highway 33 and Mendota via State Highway 33.
16. Between Mendota and Fresno via U. S. Highway 180.
17. Between Salinas and Monterey via State Highway 68.
18. Between Santa Cruz and Monterey via State Highway 1.
19. Between Vallejo and Napa via State Highway 29.
20. Between junction U. S. Highway 101 near Ignacio and Vallejo via State Highway 37.
21. Between junction Interstate Highway 80 and State Highway 49 at Auburn and Grass Valley, Nevada City and points and places within a radius of five miles thereof and intermediate points on State Highway 49 between Auburn and Nevada City but not including Auburn.
22. Between Fresno and Los Angeles Basin Territory as described in Note A herein via State Highway 99 and Interstate Highway 5.
23. Between Los Angeles Basin Territory as described in Note A herein and junction with Interstate Highway 530 near Tracy via Interstate Highway 5.

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24. Between Mendota and Maricopa via State Highway 33.
 25. Between Maricopa and junction with Interstate Highway 5 and State Highway 99 north of Wheeler Ridge via State Highway 166.
 26. Between Taft and State Highway 99 via State Highway 119 to a point approximately 10 miles south of Bakersfield.
 27. Between McKittrick and Bakersfield via State Highway 58.
 28. Between Tulare and Lindsay via State Highway 137.
 29. Between Kerman and Madera via State Highway 145.
 30. Between Firebaugh and Madera via unnumbered road and State Highway 145.
 31. Between Merced and Gustine via State Highway 140.
 32. Between junction Interstate Highway 5 and State Highway 198 and Visalia via State Highway 198.
- II. Between all points in the San Francisco-East Bay Cartage Zone as described as follows:

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 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

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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.

III. 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

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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.
7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
8. Logs.
9. Articles of extraordinary value.
10. Trailer coaches and campers, including integral

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parts and contents when the contents are within the trailer coach or camper.

11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

- IV. No service is to be performed locally between points in Los Angeles Basin Territory as described in Note A herein.

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 Avenue and its prolongation to the 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; 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;

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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 the point of March Air Force Base.

(END OF APPENDIX A)

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