

82 02 032 FEB - 4 1982

ORIGINAL

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TULLEY TRUCKING, INC., a corporation,)
 for a certificate of public convenience)
 and necessity to operate as a highway)
 common carrier for the transportation)
 of general commodities, with certain)
 exceptions, in intrastate commerce)
 between points in California.)

Application 60862
(Filed August 31, 1981)

O P I N I O N

Tulley Trucking, Inc. (Trucking) is a corporation owned and controlled by Harry A. and Dorothy A. Tulley and Richard C. and Peggy J. Eidson.

By Application (A.) 60750 filed July 20, 1981, Trucking requested authority under Public Utilities (PU) Code §§ 851 to 854 to acquire the intrastate portion of the common carrier certificate held by Harry A. Tulley, an individual. That certificate was registered with the Interstate Commerce Commission (ICC) in its Docket No. MC 121602. Authority will be sought from ICC to change that certificate of registration so that it stands in the name of Trucking. Decision (D.) 93808, issued on December 1, 1981, authorized the transfer of the intrastate authority.

The common carrier authority in question authorizes the transportation of general commodities with usual exceptions between points in the Los Angeles Territory.

This application requests, under PU Code §§ 1063 et seq., an extension of Trucking's common carrier authority which now authorizes common carrier operations in the Los Angeles Territory. The proposed enlargement would add service between all points in Los Angeles Basin Territory and between all points on or within 25 statute miles of the following routes:

1. Interstate Highway 5 between Redding and San Ysidro.
2. State Highway 99 between Red Bluff and Wheeler Ridge.
3. U. S. Highway 101 between Crescent City and Los Angeles.
4. Interstate Highway 10 between Los Angeles and Indio.
5. Interstate Highway 80 between San Francisco and Truckee.
6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near Westley.

Trucking plans to serve this additional territory in intrastate commerce only. Trucking requests that the grant of this authority be either concurrent with or subsequent to the approval of the transfer sought in A.60750.^{1/}

Trucking proposes to provide the service Monday through Friday, and Saturday upon request. The service will be same day or overnight in character, i.e. shipments picked up on one day

^{1/} On July 25, 1981 applicant filed its application for transfer of a highway contract carrier permit from R.C. Trucking, Inc., (RC) to Trucking. Trucking intends to operate as a contract carrier under that authority between those points in the State of California not covered by common carrier authority.

normally will be delivered at the destination points on applicant's proposed routes, either the same day or in the morning of the following day. Trucking plans to establish rates substantially in conformity with the rates and charges presently published in tariffs of an established tariff bureau or in conformity with rates and charges approved by this Commission. A beginning balance sheet and pro forma balance sheet and operating statement giving effect to six months of operations are attached to the application. Also attached is a list of applicant's operating equipment. Trucking may also lease motor vehicles and use sub-haulers to augment its own and leased equipment.

In support of its claim of public convenience and necessity, Trucking contends that its predecessor, Harry A. Tulley, has received and continues to receive numerous requests from shippers for the transportation of general commodities along the routes in question. Trucking feels that operations to satisfy these requests outside of the Los Angeles Territory would constitute the service of a common rather than a contract carrier.

Trucking has served a copy of this application upon the California Trucking Association. Notice of the application appeared in the Commission's Daily Calendar of September 4, 1981. No protests were received.

Findings of Fact

1. Trucking has the financial and physical resources to operate the proposed services.
2. Public convenience and necessity require the service proposed by Trucking in intrastate commerce.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
4. A public hearing is not necessary.

Conclusion of Law

Applicant has demonstrated public convenience and necessity, and the application should be granted. The names of highways and roads in the certificate are those currently in use.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Tulley Trucking, Inc., authorizing it to operate as a highway common carrier as defined in PU Code § 213 between the points and over the routes listed in Appendix A.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and make tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 80, 100, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

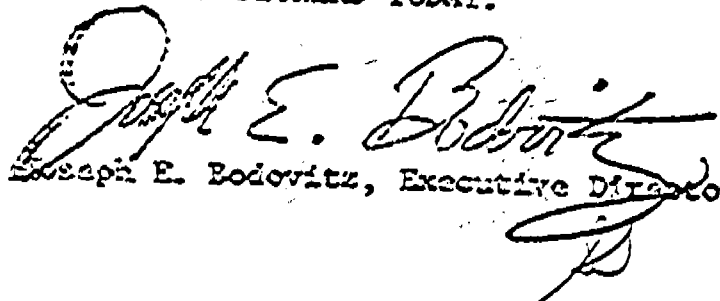
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated FEB 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

Tulley Trucking, 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 Public Utilities Code Section 213 for the transportation of general commodities as follows:

- A. Between all points and places in the Los Angeles Basin Territory as described in Note A except all points and places in Los Angeles Territory as described in Note B.
- B. Between all points on or within 25 statute miles of the following described routes.
 1. Interstate Highway 5 between Redding and San Ysidro.
 2. State Highway 99 between Red Bluff and Wheeler Ridge.
 3. U.S. Highway 101 between Crescent City and Los Angeles.

4. Interstate Highway 10 between Los Angeles and Indio.
5. Interstate Highway 80 between San Francisco and Truckee.
6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near Westley.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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APPENDIX A

TULLEY TRUCKING, INC.
(a California corporation)

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7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. Any commodity, the transportation or handling of which, because of width, length, height, weight, shape, or size, requires special authority from a governmental agency regulating the use of highways, roads, or streets.

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14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

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; northeasterly along the 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 the 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 Interstate Highway 15 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along the corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along the 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

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to Interstate Highway 15; southerly along Interstate Highway 15 to the Riverside County-San Diego County boundary line; westerly along the boundary line to the Orange County-San Diego County boundary line; southerly along the 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.

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; northeasterly on Sunset Boulevard to Interstate Highway 405; northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); southeasterly along State Highway 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda 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 its prolongation 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 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; northerly along an imaginary line to the point of beginning.

(END OF APPENDIX A)

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