

SW/NB

Decision No. 87416 JUN 1 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of G. I. TRUCKING COMPANY, a )  
California corporation, for an )  
extension of its certificate of )  
public convenience and necessity )  
to operate as a highway common )  
carrier for the transportation )  
of property in intrastate )  
commerce. )

Application No. 57143  
(Filed March 10, 1977)

O P I N I O N

G. I. Trucking Company presently provides service as a highway common carrier of general commodities, with certain exceptions, between numerous points in southern California generally between Paso Robles on the north and Chula Vista on the south, pursuant to Decision No. 81389 (1973), as amended by Decision No. 87118 (1977).<sup>1/</sup> By this application it requests authority to extend service to additional points in Riverside County and to certain points in Imperial County.

Applicant requests extension of its highway common carrier certificate to include all points in the sought additional territory over Interstate Highways 8 and 10 and California Highways 86 and 111. The additional territory includes all points within 15 miles of the named routes. Applicant states that it may establish through routes and rates with other certificated carriers at convenient points of interchange.

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<sup>1/</sup> In addition to its certificated authority applicant holds radial highway common carrier and highway contract carrier permits issued in File No. T-12,983.

By letter dated April 12, 1977 applicant asks that the scope of the sought additional territory be reduced. Specifically, it no longer seeks authority to serve points on Interstate 10 east of Indio, or any points on Interstate 8.<sup>2/</sup> The letter also seeks inclusion of the additional exemption authorized by Decision No. 87118. This exemption applies to commodities subject to certain vehicle unit rates.

Applicant proposes to provide the requested service on a daily basis Monday through Friday, with service on Saturdays, Sundays, and holidays upon request. Applicant states that its present fleet of 540 units of equipment will be available for use in connection with the proposed service, and that the company will add to its fleet as the demands of the shipping public may require. Applicant's balance sheet as of December 31, 1976 shows total assets of \$6,994,310; total liabilities of \$5,159,978; and a stockholders' equity of \$1,834,332.

Applicant presently is a party to Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, for application of rates and rules to its present certificated intrastate operations. The company would adopt the same rates and rules for the additional territory its proposes to serve.

Applicant alleges that the granting of the application will have no significant effect upon the quality of the human environment.

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<sup>2/</sup> Other than those points within 15 miles of California Highways 86 and 111.

In addition to its present intrastate service applicant transports the same commodities as a common carrier in interstate and foreign commerce pursuant to certificate of public convenience and necessity issued by the Interstate Commerce Commission in Docket No. MC-99685 (Subs 2 and 4). Applicant states that it no longer qualifies to seek corresponding authority in interstate or foreign commerce, pursuant to Public Law 87-805 (49 U.S.C., Sec. 306(a)(6)). Applicant plans to file a companion application directly with the Interstate Commerce Commission for authority in interstate and foreign commerce of the same commodities over the same routes.

In justification for the sought authority applicant states that it has operated between points in California in intrastate and in interstate and foreign commerce for a period of many years under its certificated and permitted authorities; that during the past few years there has been a substantial increase in population and industry in the additional area proposed to be served; and that the company has received numerous requests from various shippers having movements of general commodities to, from, and between points in that area. Applicant alleges that there is a lack of the type of service now rendered by it in its present service area from, to, and between the additional points sought to be served, and that it is unable to afford a complete split delivery service to regular customers because certain of the points involved are within applicant's certificated authority and others are not.

Copies of the application were served upon common carriers known by applicant to be operating between the points proposed to be served, and upon the California Trucking Association. The application was noticed on the Commission's Daily Calendar of March 14, 1977. In its advice of participation dated April 7, 1977 the Commission's Transportation Division staff stated it has reviewed the application and believes it is one which, in the absence of protest, may be granted by ex parte order. The staff recommends that if the application is granted the scope of operating authority be restated in appendix form and the certificate granted by Decision No. 81389, as amended by Decision No. 87118, be revoked. There are no protests. A public hearing is not necessary.

Findings

1. Applicant possesses the necessary experience, equipment, facilities, and financial ability to provide the proposed additional service.

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

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that the application should be granted. The territorial description of the authority granted herein reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operations. A public hearing is not necessary.

G. I. Trucking Company 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 G. I. Trucking 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. 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 April 30 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 Decisions Nos. 81389 and 87118, 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 1st day of JUNE, 1977.

Robert Bateman  
resident  
William G. Brown Jr.  
Veronica L. Stogerson  
Richard D. Venable  
Commissioners

G. I. Trucking 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 between:

1. All points within that portion of the Los Angeles Basin Territory described in Note A.
2. Points in the territory defined in paragraph 1, on the one hand and:
  - a. Points and places on Interstate Highway 10 at and west of Indio in Riverside County, on the other hand.
  - b. Points and places on State Highways 86 and 111 in Riverside and Imperial counties, on the other hand.
  - c. Chula Vista and intermediate points on Interstate Highway 5 between said territory and Chula Vista and San Diego and El Cajon and intermediate points on Interstate Highway 8, on the other hand.
  - d. All points and places located on U.S. Highway 101 between said territory and Paso Robles, inclusive, on the other hand.
  - e. All points on State Highway 1 between Las Cruces and Pismo Beach, inclusive, on the other hand.
  - f. All points between Ventura and San Fernando, inclusive, via State Highway 126 and Interstate Highway 5, on the other hand.
  - g. All points between Ventura and San Fernando, inclusive, via State Highway 118, on the other hand.
  - h. All points between the territory defined in paragraph 1 and San Diego, inclusive, via Interstate Highway 15 (U.S. Highway 395, where applicable), on the other hand.

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1. All points between the junction of Interstate Highway 5 and State Highway 14 and Mojave, inclusive, via State Highway 14, on the other hand.
- j. All points within 15 miles laterally of the routes designated in subparagraphs a through j.

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 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.
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.

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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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
9. Leasing of Equipment with driver to a shipper(s) under written contracts(s) for the exclusive use of the vehicle or combination of vehicles at an hourly, daily, weekly, monthly or yearly vehicle unit rates.

## NOTE A

TERRITORIAL DESCRIPTION  
(being a portion of the Los Angeles Basin Territory)

BEGINNING at the point where State Highway 118 intersects with State Highway 27 at Chatsworth; easterly along State Highway 118 to Interstate Highway 405; northerly along Interstate Highway 405 to Rinaldi Street; easterly on Rinaldi Street and Workman Street; westerly and northerly along the boundary of the City of San Fernando and its prolongation to the boundary of the Angeles National Forest; easterly and southerly along the boundary of the Angeles National Forest and San Bernardino National Forest to Interstate Highway 15; southerly along Interstate Highway 15 to Interstate Highway 10; easterly along Interstate Highway 10 to and including the City of Redlands; southeasterly along an imaginary line to the intersection of State Highway 60 and Interstate Highway 15; southerly on Interstate Highway 15 to Cajalco Road; westerly on Cajalco Road to Mockingbird Canyon Road; northerly on Mockingbird Canyon Road and Van Buren Boulevard to State Highway 91; southerly and westerly along

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State Highway 91 to State Highway 55; southerly along State Highway 55 to and including Balboa; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of State Highway 1 and State Highway 27; thence northerly along State Highway 27 to the point of beginning.

(END OF APPENDIX A)

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