

ORIGINAL

Decision No. 87455 June 7, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BCT TRANSPORTATION CO., INC.,)
a California corporation, for an)
extension of its Certificate of)
Public Convenience and Necessity,)
authorizing the transportation of)
general commodities between)
certain points.)

Application No. 57054
(Filed February 4, 1977)
(Amended April 29, 1977)

O P I N I O N

BCT TRANSPORTATION CO., INC., a California corporation, is presently providing service as a highway common carrier for the transportation of general commodities between points in the San Francisco-East Bay Cartage Zone, between San Mateo and San Jose, and between Hayward and San Jose, as well as points within five statute miles laterally of specified highways connecting said cities. This certificated authority was granted by Decision 82135 dated November 13, 1973, in Application 54357 and is registered with the Interstate Commerce Commission under Docket No. MC-120601 (Sub No. 1) for coextensive interstate and foreign commerce operations.

Applicant also operates as a radial highway common carrier under permit authority issued by this Commission in File T-105,361. Applicant is currently providing service beyond the scope of its existing certificated authority under its permitted authority.

Applicant now seeks an extension of its present certificate which will allow it to transport general commodities, with the usual exclusions, in intrastate service as a highway common carrier between all points and places located in the San Francisco Territory, including points located within ten statute miles beyond the boundary of said territory, but excluding service to or from the City of Half Moon Bay. Applicant also proposes to conduct coextensive

interstate and foreign commerce operations within the proposed extended service area. To obtain such authority, it has submitted an appropriate notice of filing of this application to the Interstate Commerce Commission for publication in the Federal Register.

In support of its amended application, applicant alleges that the scope of the service area involved herein has recently experienced considerable growth both in industrial development as well as in population; that many business firms, including manufacturers of both raw materials and finished products, have moved their plants, formerly located within the scope of applicant's present certificated service area, to more distant locations outside thereof but within the proposed extended area which applicant now seeks authority to serve.

Applicant asserts that it has been operating between points in the proposed extended service area under its permit authority for a long period of time. It is now aware that, due to an increased frequency in its service and the large number of shippers which it serves daily, it may be exceeding the lawful limits of its authority as a permit carrier.

The proposed service would be performed on a daily on-call basis, Monday through Friday, for intrastate as well as interstate and foreign commerce operations. For its intrastate service, applicant proposes to apply rates corresponding to those set forth in the Commission's minimum rate tariffs. Such rates would be published in applicant's own individual tariff, as well as in several other tariffs issued by Pacific Motor Tariff Bureau, Inc., Agent, in which tariffs applicant is a participating carrier.

Applicant operates 7 van trucks, 1 roller truck, 1 tractor, 2 flat-bed and 2 van trailers, plus 2 station wagons. Its balance sheet as of September 30, 1976 indicates total assets of \$99,372, liabilities of \$40,722 and stockholder's equity of \$58,650. Its

income statement for the 9-month period ending on the same date shows net operating income of \$20,723. Applicant declares that its trucking operations have experienced a substantial growth in its fleet of equipment, gross revenue earnings, and the number of shippers and consignees which it serves, all of which tend to support the need for the proposed territorial extension of its certificated authority.

Copies of the application were mailed to numerous other highway common carriers and to the California Trucking Association. Notice of the filing of the application and its amendment appeared in the Commission's Daily Calendar of February 7 and May 3, 1977, respectively. No protests to the application, as amended, have been received.

After consideration, the Commission finds that:

1. Applicant is currently providing intrastate, interstate and foreign commerce service within its certificated area.
2. Applicant has the necessary experience, operating equipment and financial resources to provide the proposed service.
3. Notice of this application appeared in the Federal Register on March 17, 1977.
4. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce, as proposed in the amended 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 this decision.

The Commission concludes that the application, as amended, should be granted as set forth in the ensuing order and that applicant's operating authority should be restated in appendix form. The territorial description of the authority granted reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operations 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 BCT TRANSPORTATION CO., 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 set forth in Appendix A hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so 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 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 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 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 82135, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 7th day of JUNE, 1977.

Robert Bateman
President

William Lyons, Jr.

Vernon L. Sturgeon

Richard D. Howell

Commissioners

BCT Transportation Co., 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 (with exceptions hereinafter noted) between all points and places in the San Francisco Territory as described in Note A, including all points and places located within ten (10) statute miles beyond the boundary of said territory (See Restriction).

(RESTRICTION: No service is authorized to or from
the City of Half Moon Bay.)

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, 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.

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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 parts and contents when the contents are within the trailer coach or camper.
11. Fresh Fruits and Vegetables.

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

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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; southwestly 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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