

ORIGINAL

Decision No. 88410 JAN 24 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MORRIS TRANSPORTATION, INC., for an
extension of its certificate of
public convenience and necessity
authorizing operations as a highway
common carrier.

Application No. 57058
(Filed February 7, 1977;
amended September 12, 1977)

O P I N I O N

By amended application Morris Transportation, Inc. requests a certificate of public convenience and necessity to operate as a highway common carrier between the San Francisco Territory, which it now serves, and certain points on Interstate Highways 80 and 5, California State Highway 99, and other close-in points. Applicant also requests that we find that parallel interstate and foreign service are required by public convenience and necessity. The original application was protested by several highway common carriers; but upon applicant's restricting the scope of its request by amendment, all protests were withdrawn. Applicant's highway common carrier authority authorizes transportation of general commodities between all points and places in San Francisco Territory only. It was granted pursuant to Decision No. 81493 dated June 19, 1973 in Application No. 53758. Applicant also operates in interstate and

foreign commerce under a Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-121712. It also holds a radial highway common carrier permit and a highway contract carrier permit, both of which authorize transportation of general commodities throughout the State of California. A copy of the application was 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 March 10, 1977.

Findings

1. Applicant presently serves as a highway common carrier between points in the San Francisco Territory under appropriate interstate and intrastate authority.
2. Applicant also conducts operations under its statewide radial highway common carrier permit and contract carrier permit.
3. Applicant operates approximately 14 tractors and 23 trailers.
4. Applicant is fit, willing, and able to perform the requested service.

5. 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.

6. As protestants have withdrawn their protests, hearing on the application is not necessary.

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

Conclusion

The application, as amended, should be granted by the order herein and applicant's operating authority should be restated in appendix form.

Morris Transportation, 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 Morris Transportation, Inc., 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 Decision No. 81493 dated June 19, 1973 in Application No. 53758, 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 24th
day of JANUARY, 1978.

Robert Batminal
President
William J. Lyons Jr.
Vernon L. Stanger
Richard D. Howell
Clair L. Dellich
Commissioners

Morris Transportation, 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:

- I. Between all points and places in the San Francisco Territory as described in Note A hereof.
- II. Between all points and places in the said San Francisco Territory on the one hand, and on the other hand, points and places on or within twenty-five (25) statute miles of points on the following routes.
 - (1) U. S. Highway 101 between Novato and San Martin, inclusive; except that no service is authorized at points north or west of said route between Sausalito and Novato;
 - (2) Interstate Highway 5 between Woodland and its intersection with State Highway 198 near Coalinga.
 - (3) California State Highway 99 between Yuba City and its intersection with California State Highway 198, inclusive;
 - (4) Interstate Highway 680 between its junction with Interstate Highway 80 and its intersection with Interstate Highway 580, inclusive;
 - (5) Interstate Highway 80 between Oakland and Truckee, inclusive; except that unless otherwise authorized ~~herein~~, no service is authorized to or from points north or west of said route between Vallejo and Truckee, or more than five miles laterally south or east of said route between Roseville and Truckee, and no service is authorized to or from points on said route east of Sacramento for shipments weighing less than 30,000 pounds or with respect to which charges less than those based upon 30,000 pounds are assessed;

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- (6) Interstate Highway 580 between Oakland and its junction with Interstate Highway 5, inclusive; and
- (7) California State Highway 198 between its intersection with Interstate Highway 5 near Coalinga, and its intersection with California State Highway 99, inclusive.

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, 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.

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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. Shipments weighing less than 20,000 pounds, or with respect to which charges less than those based upon 20,000 pounds are assessed.
11. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

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

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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 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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