

ORIGINAL

Decision No. 89142

JUL 25 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of DI SALVO TRUCKING CO., a  
corporation, for a certificate  
of public convenience and neces-  
sity to extend highway common  
carrier service.

Application No. 57875  
(Filed February 17, 1978)

O P I N I O N

Applicant Di Salvo Trucking Co. is a corporation organized and existing under the laws of the State of California. It now operates under a certificate of public convenience and necessity issued to it in Decision No. 83620, as amended by Decision No. 83800, authorizing operations as a highway common carrier of general commodities, with the usual exceptions, over a network of specified routes extending, generally, from Asti and Sacramento on the north to Los Angeles and San Diego on the south, and serving points within 5 to 20 miles of said routes; it also holds radial highway common carrier and highway contract carrier permits which authorize the transportation of general commodities between all points in the State of California.

Applicant has applied to extend its operations as a highway common carrier to include the transportation of general commodities, with the usual exceptions, between all points and places on Highway 29 between Napa and Calistoga and points within 5 miles of said highway, inclusive. Applicant suggests that this be accomplished by amending paragraph A.20 of its present certificate to authorize service to points "on State Highway 29 between its intersection with Interstate Highway 80 and Calistoga and points

within 5 miles of said highway, inclusive" and by amending paragraph A.26 by deleting the restriction contained therein against service "to Calistoga or points south of Calistoga on or within 5 miles of Highway 29 to, but not including, 5 miles northerly of Napa".

Applicant proposes to provide service in intrastate and interstate and foreign commerce, wholly within the State of California. A copy of the application was served on all known carriers operating in the area of the proposed extension, and a copy of the original application was filed with the Interstate Commerce Commission and published in the Federal Register on March 23, 1978. No protests have been filed.

The applicant's principal place of business is at San Francisco, and it operates a substantial fleet of trucking equipment including 256 tractors, 578 trailers, and 147 bobtails. Applicant's balance sheet as of December 31, 1977 shows total assets of \$6,730,331 and total liabilities of \$5,344,758; net income before tax for the year 1977 is \$789,988 out of total operating revenue of \$24,899,669. Should the application be granted the applicant would provide daily service, Monday through Friday. Rates to be assessed will be on the same level as those contained in the Commission's Minimum Rate Tariff 2.

Applicant states that the area of the requested extension represents an illogical gap of 28 miles in its otherwise continuous and connected system of regular routes. Applicant's equipment operates daily in the area of the proposed extension in connection with service to its immediately adjacent certificated service areas, and applicant presently provides limited service in the extension area pursuant to the authority of its radial highway common carrier permit. The applicant alleges that the requested extension will permit it to more completely meet the needs and requests of its present shippers at these points, to realize economies in its

operations, and to conserve fuel resources by making fuller use of the capacity of its equipment presently operating in the area of the proposed extension.

Upon consideration, the Commission finds as follows:

1. Applicant has the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the applicant be authorized to engage in operations in intrastate commerce as proposed in the 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.
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.
4. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

This grant will include all authority held by the applicant under its prior certificate, which will be revoked.

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 Di Salvo Trucking Co., 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. 83620, as amended by Decision No. 83800, 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 thirty days after the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of JULY, 1978.

Robert B. Brown  
 President  
William S. Brown  
Verona L. Stojan  
Robert P. Howell  
Clare J. Ehrlich  
 Commissioners

Di Salvo Trucking Co., 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 from, to, and between all points and places located:

- A. 1. On Interstate Highway 80 between San Francisco and Sacramento, and points within 5 statute miles of said highway, inclusive;
2. On Interstate Highways 580, 205 and 5 between Oakland and Stockton; State Highway 99 between Stockton and Sacramento; and points within 5 statute miles of said highways, inclusive;
3. On State Highway 4 between its intersection with Interstate Highway 80, near Pinole, and Stockton, and points within 10 statute miles of said highway, inclusive;
4. On County Road J-4 between its intersection with State Highway 4, north of Byron, and Interstate Highway 205, northwest of Tracy, and points within 10 statute miles of said highway;
5. On State Highway 24 between Oakland and its intersection with State Highway 4; State Highway 4 between its intersection with State Highway 24 and its intersection with State Highway 160, west of Oakley; State Highway 160 between its intersection with State Highway 4 and Sacramento; and points within 10 statute miles of said highways, inclusive;
6. On Interstate Highway 680 between its intersection with State Highway 4, near Pacheco, and its intersection with Interstate Highway 580, near Dublin;
7. On State Highway 99 between Sacramento and Bakersfield, and points within 20 statute miles of said highway, inclusive;
8. On State Highway 99 between Bakersfield and Wheeler Ridge; Interstate Highway 5 between Wheeler Ridge and Los Angeles; and points within 5 statute miles of said highways;

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9. On State Highway 1 between San Francisco and San Luis Obispo, and points within 10 statute miles of said highway;
10. On U.S. Highway 101 between San Francisco and Los Angeles; State Highway 1 between its intersection with U.S. Highway 101, near Oxnard, and Los Angeles and points within 15 statute miles of said highways;
11. Within 20 statute miles of Sacramento, Fresno and Bakersfield;
12. Within the San Francisco Territory as described in Note A;
13. Within the Los Angeles Basin Territory as described in Note B;
14. On State Highway 152 between Gilroy and Califa;
15. On State Highway 33 between its intersection with Interstate Highway 5 near Tracy and Maricopa, and points within 3 statute miles of said highway;
16. On State Highway 166 between Maricopa and its intersection with State Highway 99;
17. On Interstate Highway 5 between its intersection with Interstate Highway 205, and Wheeler Ridge, and points within 20 statute miles of said highway;
18. On U.S. Highway 101 between San Francisco and Petaluma, and points within 10 statute miles of said highway;
19. On U.S. Highway 101 between Petaluma and Asti, and points within 5 statute miles laterally of said highway, inclusive;
20. On State Highway 29 between Calistoga and its intersection with Interstate Highway 80, and points within 5 statute miles of said highway, inclusive;

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21. On State Highway 116 between Graton and Cotati; unnumbered highways (Old Redwood Highway and Adobe Road) between Cotati and the intersection of State Highway 116; and points within 3 statute miles of said highways;
  22. On State Highway 12 between Sebastopol and its intersection with Interstate Highway 80, near Cordelia, and points within 5 statute miles of said highway, inclusive;
  23. On State Highway 37 between its intersection with U.S. Highway 101 and its intersection with State Highway 29 and points within 10 statute miles of said highway.
  24. On State Highway 116 between Petaluma and its intersection with State Highway 121 and points within 10 statute miles of said highway;
  25. On State Highway 121 between its intersection with State Highway 12 and its intersection with State Highway 37, and points within 10 statute miles of said highway; and
  26. On State Highway 128 between Geyserville and Calistoga and points within 5 statute miles of said highway.
- B. Between all points and places enumerated in paragraph A (subparagraphs 1 through 26), on the one hand, and all points located on or within 10 statute miles laterally of Interstate Highways 5 and 15 (U.S. Highway 395) between the Los Angeles Basin Territory and San Ysidro, on the other hand.
- C. 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.
- D. Mechanical duplications and overlaps which occur in describing the operating authority granted herein shall not be construed as conferring more than one operating right to transport the same commodities between the same points.

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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.
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. Fruits or vegetables, fresh or green (not cold pack or frozen).

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## 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 Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company 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.

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## 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; 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 point of March Air Force Base.

(END OF APPENDIX A)

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