

Decision No. 89480 OCT 3 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of George J. Pandolfo, an indi- )  
vidual, doing business under the )  
fictitious name of Service Truck )  
Lines, for an extension of its )  
certificate of public convenience )  
and necessity as a highway common )  
carrier. )

Application No. 58090  
(Filed May 24, 1978)  
(Amended August 7, 1978)

O P I N I O N

Applicant is an individual presently operating under the authority of a highway contract carrier permit under File T-80,545, which authorizes the transportation of general commodities between all points in the State of California. Applicant also operates pursuant to a certificate of public convenience and necessity as a highway common carrier.

The certificate was granted by Decision 82299 dated January 3, 1974, in Application 54188. It authorizes the transportation of general commodities with certain exceptions between all points in San Francisco Territory and points within ten (10) miles thereof. It also authorizes such transportation over five specific routes located in an area extending from Vallejo on the north, to Tracy on the east and Warm Springs on the south and all points within ten miles of such routes.

Applicant has applied for an extension of his existing certificate of public convenience and necessity to authorize operations as a highway common carrier of general commodities with certain exceptions over five routes located in an area extending from the San Francisco Bay Area to Sacramento on the north and Fresno on the south. Notice of the filing of the application appeared in the Commission's Daily Calendar of May 26, 1978 and

published in the Federal Register on June 22, 1978. A protest was filed by Hatfield Trucking Service, Inc., and was withdrawn after the applicant, pursuant to an amendment to the application filed August 7, 1978, added to the proposed certificate a restriction against the transportation of shipments having a prior or subsequent movement by air.

Applicant will provide daily service on Monday through Friday in intrastate, interstate and foreign commerce between all points in the requested area. The rates to be assessed will be on the same scale as those contained in Minimum Rate Tariff 2 and other applicable minimum rate tariffs issued by the Commission. Applicant's highway equipment includes 3 tractors, 1 bobtail truck, 4 van semitrailers and 1 pickup truck. Applicant alleges that should additional equipment be required to conduct the proposed operation, it will be provided and the applicant is fully able to do so.

Applicant's Balance Sheet dated December 31, 1977 indicates a net worth of \$154,334, and his Statement of Income and Expense for the twelve month period ending December 31, 1977 shows a net profit before taxes of \$68,722.

It is alleged that the requested extension of operating authority constitutes a natural geographical extension of the applicant's existing authority. Demands for more frequent services on the part of shippers make it doubtful if the applicant can continue to expand its service as a permitted carrier.

#### Findings

1. Applicant has the experience, equipment 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 the 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. Applicant's present and proposed authority should be consolidated as an in-lieu certificate.

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

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 consideration for the grant of such rights. Such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be cancelled 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 George J. Pandolfo, doing business as Service Truck Lines, authorizing him 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 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 he accepts the certificate he 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. 20-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 his 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, he 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 82299, 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 thirty days after the date hereof.

Dated at San Francisco, California, this 3rd day of OCTOBER, 1978.

Robert Bateman  
President  
William Sproull  
Thomas L. Sturgeon  
Charles D. Hoyle  
Clare J. Decker  
Commissioners

George J. Pandolfo, an individual, doing business as Service Truck Lines, 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:

- A. Between all points in San Francisco Territory as described in Note A hereof, and places within 10 statute miles of any point therein.
- B. Between all points located on or within ten (10) statute miles laterally of the following routes:
  1. Interstate Highway 80 between San Francisco and Sacramento, inclusive.
  2. State Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton, inclusive.
  3. State Highway 160 between its junction with State Highway 4 near Antioch and Sacramento, inclusive.
  4. Interstate Highway 680 from Warm Springs to its junction with Interstate Highway 80 near Cordelia.
  5. State Highway 12 from Fairfield to Lodi, inclusive.
  6. Interstate Highway 580 from its junction with Interstate Highway 80 to its junction with Interstate Highway 205 near Tracy; thence via Interstate Highway 205 to its junction with Interstate Highway 5; thence via Interstate Highway 5 to Sacramento, inclusive.

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7. Interstate Highway 580 from its junction with Interstate Highway 205 near Tracy to its junction with State Highway 132; thence via State Highway 132 to Modesto, inclusive.
8. State Highway 99 from Sacramento to Fresno, inclusive.
9. Interstate Highway 5 from its junction with Interstate Highway 580 near Vernalis to its junction with State Highway 152 near Los Banos, thence via State Highway 152 to its junction with State Highway 99.
10. State Highway 24 between Oakland and its junction with State Highway 4 near Port Chicago Highway.

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 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).

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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. 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.
4. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
6. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
7. Logs.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when the 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. Shipments having an immediately prior or subsequent movement by air.

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13. Fresh fruits and vegetables.
14. Sodium hypochlorite solution, and sodium hydroxide solution, cleaning compounds, animal litter (chopped alfalfa pellets), in bags, and laundry bleach (dry) when transported in mixed shipments with sodium hypochlorite solution, that originate at Oakland, California, and empty pallets returning to Oakland which was the origin of the outbound palletized shipment of said commodity or commodities. This exclusion does not apply when sodium hypochlorite solution is transported in mixed shipments with commodities authorized to be transported under this authority, except as provided herein, or when interlined with a water, rail or motor carrier for further transportation.

## 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 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

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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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