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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Romeo Drayage & Warehousing Company, a California corporation, for a certificate of public convenience and necessity authorizing the transportation of general commodities, with certain exceptions, between certain points within the State of California.

Application No. 58123
(Filed June 7, 1978;
amended August 29, 1978)

O P I N I O N

Applicant, a California corporation, is presently providing service as a highway common carrier of general commodities from, to, and between all points and places within the San Francisco-East Bay Cartage Zone, and from, to, and between San Mateo, Hayward, and San Jose and intermediate points. Applicant serves in interstate and foreign commerce wholly within the State of California, under authority of a registration with the Interstate Commerce Commission in Docket No. MC-120,773. Applicant also holds and operates under a radial highway common carrier permit.

The original application requested an extension of authority northerly to include Healdsburg, Williams, and Gridley, and southerly to include Fresno and Carmel. Copies of the application were served upon 57 existing carriers with which the proposed service might compete and an appropriate notice was published in the Federal Register. Protests were filed by Peters Truck Lines, Nielsen Freight Lines, Campos Delivery Service, Inc., and Hatfield Trucking Service, Inc. All protests were withdrawn upon the filing of an amendment restricting the scope of the original application.

Applicant proposes a daily, on-call service seven days a week to be performed in both intrastate and interstate commerce. Applicant operates 32 units of equipment out of its principal place of

business in San Francisco. It proposes to assess rates comparable to those set forth in Minimum Rate Tariff 2 and such other Commission minimum rate tariffs as may be applicable to the transportation herein proposed.

Applicant alleges that in 1977 it had \$690,522 gross income and that it has operated as a certificated highway common carrier since 1971. It alleges that this application was filed because of requests from shippers for service to additional points. It further alleges that many business firms and manufacturers have either moved to or established branch offices in the extended area that applicant seeks to serve.

Findings

1. Applicant has the financial ability, equipment, and experience necessary to operate as requested in the application.
2. The application was filed to satisfy shippers who requested regular service to areas outside of applicant's original operating authority.
3. Public convenience and necessity require that 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.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions

1. The application should be granted.
2. A public hearing is not necessary.
3. The order which follows should provide for the issuance of an in lieu certificate of public convenience and necessity and the revocation of applicant's present certificate. The territorial description of routes 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.

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 Romeo Drayage & Warehousing 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 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 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 March 31 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. 78960, 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 19th day of DECEMBER, 1988.

Robert Bahmond
President
William J. Gussens Jr.
Terence L. Sturgeon
Charles W. Howell
Clare J. Deibel
Commissioners

Romeo Drayage & Warehousing Company, a California corporation, by the certificate of public convenience and necessity granted by 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 San Francisco Territory, on the one hand, and on the other hand, points and places located on or within five statute miles laterally of the following routes:
 - (a) U.S. Highway 101 between Novato and Salinas, inclusive.
 - (b) State Highway 17 between San Jose and Santa Cruz, inclusive.
 - (c) State Highway 1 between San Francisco and Carmel, inclusive, including the off-route point of Carmel Valley.
 - (d) State Highway 9 between Los Gatos and Santa Cruz, inclusive.
 - (e) State Highway 152 between Gilroy and State Highway 1, at Watsonville, inclusive.
 - (f) State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive.
 - (g) State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1 at Watsonville, inclusive.
 - (h) State Highway 68 between Salinas and Monterey, inclusive.
 - (i) State Highway 29 between Calistoga and its intersection with U.S. Highway 80 at Vallejo, inclusive.

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III. Between all points and places in San Francisco Territory, as described in Note A hereof, on the one hand, and on the other hand, points and places within fifteen statute miles laterally of the following routes:

- (a) Interstate Highway 80 between Richmond and Sacramento, inclusive.
- (b) Interstate Highway 5 between Sacramento and its intersection with State Highway 198, inclusive.
- (c) Interstate Highway 580 between Oakland and its junction with Interstate Highway 5, inclusive.
- (d) Interstate Highway 205 between its junction with Interstate Highway 5 and its junction with Interstate Highway 580, inclusive.
- (e) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive.
- (f) State Highway 99 between Sacramento and its intersection with State Highway 198, inclusive.
- (g) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, 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 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. 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. 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. Fresh fruit and vegetables.
11. Shipments having a prior or subsequent movement by air on movements other than within the San Francisco Territory, as described in Note A hereof and shipments from San Francisco International Airport to S.B.E. Inc., Watsonville, California.

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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 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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