

ORIGINAL

92146 AUG 10 1980

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of FAIRBANKS TRUCKING, INC. for)	
partial revocation of its)	Application No. 59692
Certificate of Public Convenience)	(Filed May 27, 1980)
and Necessity as a highway)	
common carrier.)	
_____)	

O P I N I O N

Applicant Fairbanks Trucking, Inc., presently providing service as a highway common carrier for the transportation of general commodities between various points within the state, requests that its certificate be amended by excluding therefrom the transportation of brandy, fruit juice concentrates, wine, wine lees, wine concentrates, wine material, and sugar in bulk in tank trucks.

Applicant alleges that it is presently transporting these commodities in bulk in tank trucks; that such commodities when moving in bulk in tank trucks are exempt from minimum rate regulation; that applicant is currently operating in an essentially controlled operation with a limited number of present or potential customers; that if the requested authority is granted, applicant will provide service pursuant to its contract carrier permit, which will enable applicant to operate with the flexibility required for the type of specialized service involved; and that such service would result in operating efficiencies and economies without prejudice to the shippers.

Notice of the application was published in the Commission's calendar on May 29, 1980, and a copy of the application was served upon the California Trucking Association. No protest has been received.

Findings of Fact

1. Public convenience and necessity no longer require applicant's service as a highway common carrier for the transportation of brandy, fruit juice concentrates, wine, wine lees, wine concentrates, wine material, and sugar in bulk in tank trucks.

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

The Commission concludes that the application should be granted and that the operating authority should be restated in the form of a new certificate. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Fairbanks Trucking, Inc. 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 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. 68620 dated February 16, 1965, as amended by Decision No. 69043 dated May 11, 1965 in Application No. 47238, 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 AUG 19 1980, at San Francisco, California.

John E. Byron
President
Norman L. Sturgeon

Clair T. D. ...
Thomas W. ...
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Fairbanks Trucking, 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:

1. Between all points and places in the counties of Calaveras, Contra Costa, Merced, Sacramento, San Joaquin and Stanislaus.
2. Between all points in the counties set forth in Paragraph 1 above, on the one hand, and on the other hand, points in the following areas and on and along the following highways:
 - a. All points located in Marin County.
 - b. All points located in San Francisco Territory as described in Note A hereof.
 - c. All points located in Los Angeles Basin Territory as described in Note B hereof.
 - d. All points located in San Diego Territory as described in Note C hereof.
 - e. All points and places on and within twenty-five (25) statute miles laterally of the following named highways:
 - (1) U.S. Highway 101 between San Jose and its junction with the northwestern boundary of Los Angeles Basin Territory as described in Note B hereof, including the off-route point of Davenport. ✓
 - (2) State Highway 1 between its junction with U.S. Highway 101 near El Rio and the western boundary of Los Angeles Basin Territory as described in Note B hereof.

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- (3) Interstate Highway 5 between the southern boundary of Los Angeles Basin Territory as described in Note B hereof, and the northern boundary of San Diego Territory as described in Note C hereof.
- (4) Interstate Highway 80 between Richmond and Auburn inclusive.
- (5) Interstate Highway 580 between Hayward and its junction with Interstate Highway 205, thence via Interstate Highway 205 to its junction with Interstate Highway 205 (Business), thence via Interstate Highway 205 (Business) to the City of Tracy, inclusive.
- (6) Interstate Highway 5 between Redding and its junction with State Highway 113 in the City of Woodland, thence via State Highway 113 to the City of Davis, inclusive.
- (7) State Highway 99 from Red Bluff to its junction with State Highway 20 in the City of Yuba City, thence via State Highway 20 to its junction with State Highway 65 in the City of Marysville, thence via State Highway 65 to the City of Roseville, inclusive.
- (8) State Highway 49 between Auburn and Mariposa, inclusive.
- (9) State Highway 140 between the City of Mariposa and its junction with the eastern boundary of Merced County, inclusive.
- (10) State Highway 99 between its junction with the southern boundary of Merced County and its junction with Interstate Highway 5 near Wheeler Ridge, thence via Interstate Highway 5 to the City of San Fernando, inclusive.

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- (11) State Highway 33 between Dos Palos and its junction with State Highway 166 at the City of Maricopa, thence via State Highway 166 to its junction with State Highway 99 at Mettler Station, inclusive.
 - (12) Interstate Highway 15 between the southern boundary of Los Angeles Basin Territory as described in Note B hereof, and Miramar, inclusive.
3. Between all points specified in Paragraph 2a, b, c, d, and e above.
 4. (a) Through routes and rates may be established between any points in the areas or on the routes described in Paragraph 2 above, on the one hand, and any other point in any other area or on another route described in Paragraph 2 above, on the other hand.

(b) Applicant may not operate to, from or between any points within the Counties of Napa or Sonoma or within the San Francisco Territory as described in Note A hereof; Los Angeles Basin Territory as described in Note B hereof; and San Diego Territory as described in Note C hereof.
 5. 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.

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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, briefcases, 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.

NOTE: This exception does not apply when the vehicle is crated, or tendered as part of a mixed shipment with other commodities, provided said crated vehicle or vehicle tendered as part of a mixed shipment is not tendered in special truckaway equipment.

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. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
5. Logs.

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6. Fresh or green fruits or vegetables (not cold pack or frozen), nuts and unprocessed agricultural commodities when:
- (a) The point of destination is a cannery, accumulation station, cold storage plant, or winery; or
 - (b) Transported from the field or point of growth to a packing plant or packing shed. (See Exception.)

EXCEPTION: Except for the transportation of citrus fruits in field boxes or in bulk, or avocados, the provisions of Paragraph 6 will not apply when the distance between point of origin and point of destination exceeds fifty (50) constructive miles.

7. Brandy, Fruit Juice Concentrates, Wine, Wine Lees, Wine Concentrates, Wine Material and Sugar in bulk in tank trucks.

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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.

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NOTE B

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.

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NOTE C

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S-17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

(END OF APPENDIX A)

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