

Decision No. 92470 DEC 2 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of WARREN TRANSPORTATION CO. for )  
amendment of its certificate of )  
public convenience and necessity )  
as a highway common carrier to )  
exclude the transportation of com- )  
modities of abnormal size or weight )  
which because of such size or )  
weight require the use of low bed )  
trailers, except shipments thereof )  
which have a prior or subsequent )  
movement by for-hire rail, motor )  
or water carrier. )

ORIGINAL

Application No. 59782  
(Filed July 1, 1980)

O P I N I O N

By its application filed July 1, 1980, Warren Transportation Co., (Applicant) a California corporation, seeks modification of its highway common carrier certificates. It desires to exclude from them the authority to transport commodities of abnormal size and weight which because of such size or weight require the use of and are transported on low-bed trailers, except when such shipments have a prior or subsequent movement by for-hire rail, motor or water carriers.

By Decision 79720 dated February 5, 1972 in Application 53093, the Commission authorized the applicant to acquire the highway common carrier certificate of E. Guy Warren. This certificate includes the authority to transport general commodities between points in San Francisco Territory and between said territory on the one hand

A. 59782 - T/FS\*

and points located on numerous highways from Redding and Ukiah on the north, the California/Nevada border on the east and Bakersfield on the south, with the right to make lateral departures therefrom within 25 statute miles from said routes, on the other hand. It is the subject of a concurrent Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-121472. Certain commodities are excluded from said authority.

Applicant also holds a highway common carrier certificate of public convenience and necessity issued pursuant to Section 1063.5 of the Public Utilities Code effective April, 30, 1980, in Application GC 3462. It authorizes the transportation of general commodities between all points in the State of California. Certain commodities are also excluded from this authority.

Applicant is providing a substantial service in the transportation of commodities of abnormal size and weight which require the use of and are transported on low-bed trailers. Applicant's experience has indicated that uniform tariff rates do not give effect to the differences in transportation characteristics of various shipments of this type of commodity. Applicant proposes to perform such services under its highway-carrier permit and to negotiate rates which reflect more accurately the cost the particular shipments involved. Applicant will be relieved of the burdensome requirements of tariff publications and will be able to establish rates for shippers with little or no delay. At the present time,

A. 59782 - T/F9\*

applicant is threatened with diversion of traffic to highway permit carriers who have greater flexibility in negotiating rates with potential shippers which are below those published by the applicant. In cases where such shipments have a prior or a subsequent movement by for-hire rail, motor or water carrier, through rates may be applicable. In such cases, applicant wishes to maintain highway common carrier status to transport said commodities.

After consideration, the Commission finds that:

1. Public convenience and necessity no longer require the services of the applicant in intrastate and interstate and foreign commerce for the transportation of commodities of abnormal size and weight, which because of such size and weight require the use of and are transported on low-bed equipment, except when such shipments have a prior or subsequent for-hire movement by rail, motor, or water carrier, as a highway common carrier.

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. However, such conclusion should not be construed as a policy determination with respect to future petitions to exempt certain transportation service or certain commodities from the provisions of a certificated operating authority. A public hearing is not necessary.

A. 59782 - T/FS\*

We also take this opportunity to define more precisely the description of "Explosives" set forth in sub-paragraph 9 on Original Page 3 of Appendix A of Decision 79720.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision 79720 dated February 15, 1972 is hereby amended by incorporating therein First Revised Page 3 attached herein and made a part hereof, in place of Original Page 3.

2. Paragraph (6) of the certificate of public convenience and necessity as a highway common carrier granted to the applicant by Application GC 3462 pursuant to Section 1063.5 of the Public Utilities Code, is amended by adding the following as sub-paragraph 7:

Commodities of abnormal size and weight which because of such size and weight require the use of and are transported on low bed equipment except when such shipments have a prior or subsequent movement by for-hire rail, motor or water carrier.

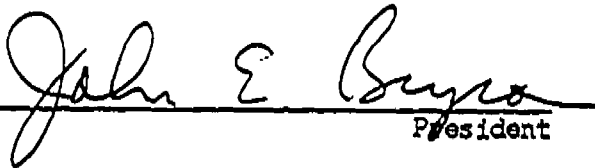
The existing sub-paragraph 7 to Paragraph (6) of the certificate will be renumbered to sub-paragraph 8.

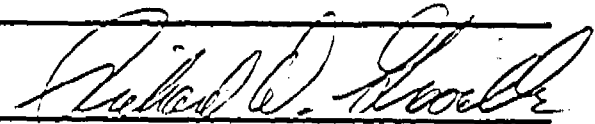
A. 59782 - T/FS\*

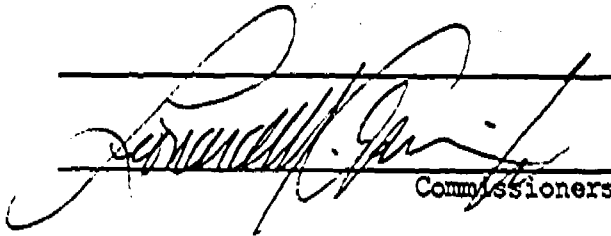
3. Within sixty days after the effective date of this order and on not less than ten days' notice to the Commission and the public, applicant shall amend its tariffs and adoption notice on file with the Commission to reflect the authority herein granted.

The effective date of this order shall be thirty days after the date hereof.

Dated DEC 2 - 1980, at San Francisco, California.

  
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President

  
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\_\_\_\_\_  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

A. 59782 - T/FS

Appendix A  
(D.79720)

WARREN TRANSPORTATION CO.  
(a California corporation)

First Revised Page 1  
Cancels  
Original Page 3

7. Fresh or green fruits or vegetables.
8. Articles of extraordinary value.
- \*9. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
10. Liquid sugar in bulk.
11. Reinforced concrete pipe and pipe fittings originating at Hayward, except when moving in mixed shipments with commodities authorized to be transported under this authority.
12. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
- \*13. Commodities of abnormal size and weight which because of such size and weight require the use of and are transported on low-bed equipment except when such shipments have a prior or subsequent movement by for-hire rail, motor or water carrier.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

\*Amended by Decision 92470, Application 59782.