

ORIGINAL

Decision 93752 NOV 13 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of PEARSON TRUCKING & RIGGING,)
INC., a corporation, for authority)
to restrict its certificate of)
public convenience and necessity)
as a highway common carrier)
pursuant to Section 1063 of the)
Public Utilities Code.)

Application 60715
(Filed July 7, 1981)

O P I N I O N

Pearson Trucking & Rigging, Inc., a California corporation, (applicant) requests that its certificate of public convenience and necessity authorizing highway common carrier operations, which was issued under Public Utilities (PU) Code Section 1063, be amended to delete the following service:

- a. Commodities which because of width, length, height, weight, shape, or size require special authority from a governmental agency regulating the use of highways, roads, or streets, and any other commodity moving in a single shipment with such commodity when incidental thereto and which moves under carrier's Heavy-Specialized Carrier Permit.
- b. Commodities which because of width, length, height, weight, shape, or size require the use of and are transported on low-bed equipment.

The certificate was granted by Decision (D.)77963, dated November 24, 1970, in Application 52177, as amended by D.79053, dated August 24, 1971. Applicant also holds a highway common

carrier certificate, issued April 30, 1980 in Application GC 2487, which authorizes statewide transportation of general commodities, with the usual exclusions. A substantial amount of the transportation service performed by applicant is in the area of heavy-specialized transportation. This service includes the use of low-bed and other specialized trailer units and the allied furnishing of rigging and millwrighting tools, machinery, and facilities as needed. Applicant has been engaged in this type of transportation serving California industries since 1907.

Applicant's clientele consists substantially of dealers, manufacturers, users and importers of machinery and machinery parts, and in more recent years, the aerospace industries. Transportation of these commodities on low-bed equipment, both regular types and specially designed, and under requirements of over-dimension or overweight special permits, is a part of applicant's everyday activities. Applicant's records indicate that an average 160 low-bed loads are moved each month. Applicant's records further indicate that an average of approximately 35 truckloads are moved each month subject to highway overdimension or overweight permits.

Applicant also holds a heavy-specialized carrier permit and a highway contract carrier permit. It is currently performing the desired services, in the area covered by its Section 1063.5 certificate, under such authorities as authorized by the Commission in D.89575, as amended. That decision allows, for the first five years after issuance, the certificate holders to expand or contract operations by appropriate tariff amendments. This procedure is not applicable to operations under Section 1063 certificates.

All Section 1063.5 certificates were issued on a statewide basis. However, a carrier may not hold two or more certificates authorizing the same transportation service. Thus, for purposes of clarification, it is desirable to restate the Section 1063.5 certificate to clearly distinguish it from the certificate granted under Section 1063.

Findings of Fact

1. Pearson Trucking & Rigging, Inc., is authorized to perform transportation included in the definition of a heavy-specialized carrier permit and also transportation which requires the use of low-bed equipment under its Section 1063 and Section 1063.5 certificates.

2. Tariffs are on file which exclude the traffic referred to in the application from service under applicant's Section 1063.5 certificate. Applicant requested that the authority to transport such traffic be deleted from its Section 1063 authority.

3. Applicant's Section 1063.5 certificate authorizes state-wide operations and should be amended to distinguish it from the Section 1063 certificate.

4. Numerous other certificated carriers are available to provide the services which applicant requests be deleted from its certificate.

5. Public convenience and necessity no longer requires applicant's service for the transportation referred to in the application under its Section 1063 certificate.

6. The application was noted in the Commission's Daily Calender on July 9, 1981. No protests to the application have been received and a public hearing is not necessary.

7. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

8. 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 of Law

1. Applicant's Section 1063 certificate should be reissued to grant the requested deletion.

2. Applicant's Section 1063.5 certificate should be reissued to distinguish it from the Section 1063 authority.

O R D E R

IT IS ORDERED that:

1. Certificates of public convenience and necessity are granted to Pearson Trucking & Rigging, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213, between the points and over the routes listed in Appendixes A and B.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and make tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 80, 100, and 104, and the California Highway Patrol safety rules.

- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariffs required by that General Order.

3. The certificate of public convenience and necessity granted in Paragraph 1 as set forth in Appendix A shall supersede the certificate of public convenience and necessity granted by D.77963, as amended, which certificate is revoked effective concurrently with the effective date of the tariff required by Paragraph 2(b).

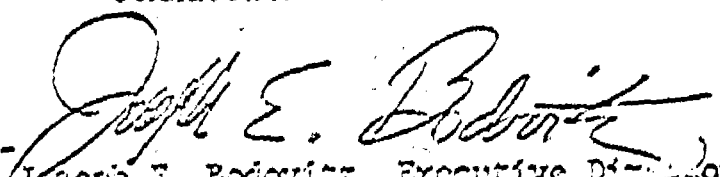
4. The certificate of public convenience and necessity granted under PU Code Section 1063.5, GC 2487, is revoked and shall be superseded by the certificate set forth in Appendix B.

This order becomes effective 30 days from today.

Dated NOV 13 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

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Joseph E. Bodovitz, Executive Director

Pearson Trucking & Rigging, Inc., a 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 and is authorized to transport general commodities between all points and places within the following described area;

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, then via the westerly and northerly boundaries of the City of Los Angeles, the southerly boundary of the Angeles National Forest, the easterly boundary of Los Angeles County, and the northeasterly boundary of Orange County to its junction with the U. S. Highway 91, then via U. S. Highway 91 and State Highway 55 and the prolongation of State Highway 55 in a generally southwesterly direction to the Pacific Ocean, then via the coastline of the Pacific Ocean to the point of beginning; also, points and places south and east of U. S. Highway 91 and State Highway 55 within a radius of five miles of these highways between the Orange County line and the Pacific Ocean.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
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.

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3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, swine.
4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump-type trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Note: The commodities excluded by the above exceptions Nos. 1 to 7, both inclusive, may nevertheless be carried by applicant if tendered for shipment with nonexcepted commodities as part of the same shipment or movement.

8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

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9. Commodities which because of width, length, height, weight, shape or size require special authority from a governmental agency regulating the use of highways, roads, or streets, and any other commodity moving in a single shipment with such commodity when incidental and which moves under carrier's Heavy-Specialized Carrier Permit.
10. Commodities which because of width, length, height, weight, shape, or size requires the use of and are transported on low-bed equipment.

(END OF APPENDIX A)

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Pearson Trucking & Rigging, 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 transport of general commodities within and between all points in the State of California except as set forth below.

The authority granted by this certificate does not include the following area and commodities.

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, then via the westerly and northerly boundaries of the City of Los Angeles, the southerly boundary of the Angeles National Forest, the easterly boundary of Los Angeles County, and the northeasterly boundary of Orange County to its junction with the U. S. Highway 91, then via U. S. Highway 91 and State Highway 55 and the prolongation of State Highway 55 in a generally south-westerly direction to the Pacific Ocean, then via the coastline of the Pacific Ocean to the point of beginning; also, points and places south and east of U. S. Highway 91 and State Highway 55 within a radius of five miles of those highways between the Orange County line and the Pacific Ocean.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects office, store, and institution furniture and fixtures.

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2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
10. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
11. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.

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Appendix B
AMENDMENT TO
SECTION 1063.5
CERTIFICATE

PEARSON TRUCKING & RIGGING, INC.
(a California corporation)

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In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX B)

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