

ORIGINALDecision No. 50989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of M. S. DODD for removal of)
restriction from a portion of)
its certificate of public conven-)
ience and necessity to operate as)
a highway common carrier for the)
transportation of property.)

Application No. 35176

Marvin Handler and J. H. Sapiro, for applicants.
Douglas Brookman, Edward M. Berol, Bertram S. Silver,
Thomas P. Brown, Willard S. Johnson and William E.
Shuholm, for various carriers, protestants.
Russell Bevans, for Draymen's Association of San
Francisco; Maurice A. Owens, for Draymen's
Association of Alameda County; Norman R. Moon, for
Loretz & Co.; Daniel W. Baker, William Meanhold,
Frederick E. Furrman, Vaughan, Paul and Lyons by
John G. Lyons and Frank Loughran, for various
carriers, interested parties.

O P I N I O N

During the pendency of this application the original applicant, Mr. M. S. Dodd, died. The San Francisco Superior Court appointed Helen Casserly Dodd, Marion Dodd Gopcevic and Lurah Dodd Voute, as executrices of Mr. Dodd's will and they will accordingly be substituted as applicants herein.

Applicants are one of the group of carriers whose problems precipitated the investigation designated by the Commission as Case No. 5535. Hearings were held on this application in connection with that case. Evidence of community growth and the resulting expansion of carrier operations, as developed in Case No. 5535, was found to apply to these applicants and to have materially influenced their activities. In addition, a hearing on this application alone was held before Examiner John Power in San Francisco on June 3, 1954. On that occasion applicants presented evidence covering the history, finances, equipment, facilities and personnel of their organization.

Applicants' witness was the manager of their drayage department. He has been connected with the firm for thirty-three years and its drayage manager for nine. He gave oral testimony and introduced into the record a prepared statement and several exhibits, from all of which evidence the following facts appear.

M. S. Dodd went into the public warehouse business in San Francisco in 1913. In 1918 he began this drayage business with five trucks. In 1925 transbay operations were begun. On June 30, 1952, Mr. Dodd was granted a certificate as a highway common carrier by Decision No. 47423 in Application No. 32048. That certificate authorizes service between all points in the "San Francisco-East Bay Cartage Zone" as established in Case No. 5535 along with other points. It is subject to a limitation, however, that all shipments must have origin or destination in one of M. S. Dodd's warehouses in San Francisco or moving to or from a person or firm which has a current storage account at one or more of said warehouses. This application was filed in order to eliminate this restriction.

Applicants have four warehouses in San Francisco. They had 88 pieces of equipment on January 1, 1954. The fleet includes a wide variety of body types enabling applicants to supply shippers with a vehicle suited to their needs.

The cash on hand figure as of December 31, 1953, exceeded total liabilities when certain orchard property owned by M. S. Dodd was eliminated from the balance sheet. Total assets amounted to \$299,589.05 and proprietary capital to \$286,482.52.

The service method employed by applicants is to provide pickup and delivery on a direct basis without rehandling. Same-day delivery is afforded on shipments picked up by early afternoon with following-morning delivery on late pickups.

Applicants have been serving about 84 customers in addition to those whose merchandise is stored in the Dodd warehouses. Five of these testified in support of the application. All represented substantial firms having considerable experience with the Dodd service. A long list of different commodities has been carried.

The evidence shows that applicants have the necessary financial ability, facilities, equipment, experience and personnel to undertake the proposed service. It further shows that the growth of the San Francisco-East Bay community has increased the over-all requirements for common carrier service and has resulted in increased demand for applicants' services. Public convenience and necessity require that the application be granted. This grant will be on the condition, however, that applicants serve the whole of the San Francisco-East Bay Cartage Zone as established in Case No. 5535. Acceptance of the certificate herein granted will be construed as consent to this condition.

Applicants are placed upon 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, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed 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

Application having been filed and public hearings held thereon and the Commission having considered the same and being of

the opinion and finding that public convenience and necessity so require, therefore,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Helen Casserly Dodd, Marion Dodd Gopcevic and Lurah Dodd Voute as executrices of the last will of Marshall Strawn Dodd, also known as M. S. Dodd, deceased, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities except petroleum products in bulk in tank vehicles, uncrated household goods, explosives and livestock between the points set forth in Appendix "A" attached hereto and by this reference made a part of this order.

2. That in providing service pursuant to the authority herein granted, applicants may use any and all streets, roads, highways and bridges, and shall comply with the following service regulations:

- a. Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate herein granted.
- b. Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicants shall establish the service herein authorized and comply with the provisions of General Order No. 80 by filing in triplicate and concurrently making effective tariffs satisfactory to the Commission.

IT IS HEREBY FURTHER ORDERED that, in so far as the rights herein granted cover the same territory as the present operative rights of applicants heretofore granted by Decision No. 47423, dated June 30, 1952 in Application No. 32048, the rights granted by said Decision No. 47423 are to that extent revoked and canceled, said

revocation and cancellation to take effect simultaneously with the institution of service under this order.

The effective date of this order shall be February 1, 1955.

Dated at San Francisco, California, this 18th day of JANUARY, 1955.

Arthur E. Mitchell
resident
Justin D. Craven
Paula Lutz
William J. Hooley

Commissioners

LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnwood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

The foregoing description includes the following points or portions thereof:

Alameda	Elkton	Oakland Pier	San Leandro
Alameda Pier	Elmhurst	Ocean View	San Lorenzo
Albany	Emeryville	Piedmont	San Mateo
Baden	Ferry Point	Point Castro	San Pablo
Bay Farm Island	Fruitvale	Point Fleming	South San Fran-
Bayshore	Government Island	Point Isabel	cisco
Berkeley	Hayward	Point Molate	Stege
Bernal	Lawndale	Point Orient	Tanforan
Brisbane	Lomita Park	Point Potrero	Treasure Island
Broadway	Melrose	Point Richmond	Union Park
Burlingame	Millbrae	Point San Pablo	Visitacion
Camp Knight	Mills Field	Richmond	Westlake
Castro Valley	Mt. Eden	Russell City	Winhaven
Colma	Oakland	San Bruno	Yerba Buena
Daly City	Oakland Municipal	San Francisco	Island
East Oakland	Airport	San Francisco Inter-	
El Cerrito		national Airport	

APPENDIX "A" (Continued)

MAP SHOWING

LIMITS OF SAN FRANCISCO - EAST BAY CARTAGE ZONE

