

ORIGINAL

Decision No. 51026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PHYLLIS M. PEARCE and FRANK H.)
 HIMMELMAN, a copartnership, doing)
 business as ALTA FREIGHT AND TRANSFER,) Application No. 35356
 for a certificate of public convenience)
 and necessity to operate as a highway)
 common carrier.)

Daniel W. Baker, for applicant.

Douglas Brookman, William Meinhold, Frederick E. Fuhrman,
Willard S. Johnson, William E. Shuholm, Edward M. Berol,
Bertram S. Silver and Thomas P. Brown, 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., Marvin Handler,
Frank Loughran, Arthur D. Nearon, and Vaughan, Paul and
Lyons by John G. Lyons, for various carriers, interested
 parties.

O P I N I O N

Applicants are part of a group of carriers whose applica-
 tions were considered with those of carriers whose problems pre-
 cipitated 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 Oakland on September 2, 1954. On
 that occasion applicants presented evidence covering the history,
 finances, equipment, facilities and personnel of their organization.

At the hearing on September 2, 1954, Mr. Himmelman, the
 managing partner, gave operating testimony in behalf of applicants.
 Through him, seven exhibits were presented. The application was
 supported by five shipper witnesses.

The operating witness had been engaged in the transportation business since 1917. He founded this business in 1938 and was joined by his partner during the following year. The headquarters of the firm is in the East Oakland industrial area.

The financial data presented consisted of a July 31, 1954 balance sheet and operating statements for five and one-half years, 1949 through the first half of 1954. The current assets to current liabilities ratio was very good and net investment was \$33,043.43 on the date reported. Profits were earned in all periods reported.

Applicants' terminal consists of two buildings situated on about two and a quarter acres of land. One of these is rented to an outside party. The other provides Alta with office space and a dock 48 feet long.

These applicants render a same-day service almost exclusively. Any overnight delivery is exceptional or by special request. Ninety-five per cent of the freight is delivered from the pickup vehicle. There are about forty steady customers including those five whose representatives supported the application.

Applicants have had a range in weights of shipments of from less than one hundred pounds to more than 125 tons. Commodities of many types have been carried. In 1953 applicants averaged 3.48 transbay trips per working day, 872 trips in all.

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, such rights 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 Phyllis M. Pearce and Frank H. Himmelman, a copartnership, doing business as ALTA FREIGHT AND TRANSFER, 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 used household goods, livestock and commodities requiring mechanically refrigerated equipment, 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.

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

Dated at Los Angeles, California, this 25th day of JANUARY, 1955

John E. ...
 President

Matthew J. ...

Paulo ...

...

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 Lynnewood 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	Winehaven
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

