

ORIGINALDecision No. 51064

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN SCANNELL; doing business as)
 SCANNELL BROTHERS DRAYAGE, for a)
 certificate of public convenience) Application No: 35608
 and necessity to operate as a highway)
 common carrier between San Francisco)
 and South San Francisco, and East Bay)
 Points.)

Marcum C. George, for applicant.
Douglas Brookman, William Meinhold, Frederick E. Fuhrman, Edward M. Berol, Bertram S. Silver, Thomas P. Brown and William E. Shuholm, for various carriers, interested parties.
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.; Preston W. Davis, Roger Ramsey, Daniel W. Baker, Marvin Handler, Willard S. Johnson, 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

Applicant is one of a group of carriers whose applications were heard in connection with those 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 this applicant and to have materially influenced his activities. In addition, a hearing on this application alone was held before Examiner John Power in San Francisco on September 16, 1954. On that occasion applicant presented evidence covering the history, finances, equipment, facilities and personnel of his organization.

Applicant testified in support of his application and presented five exhibits. Four shipper witnesses supported the application. From the record, the following facts appear:

Applicant was a truck driver with about eight or nine years' experience in San Francisco prior to 1947. In that year he commenced this business. He continued to drive regularly himself until 1951. He now serves as manager, dispatcher and as relief driver when one is needed.

Applicant's June 30, 1954 balance sheet shows the business to be in excellent condition. Cash on hand on that date was sufficient to cover total liabilities. The witness' net investment was in excess of \$22,000. Profits were earned in five full years, 1949 through 1953 and in the first half of 1954.

Applicant has a parking lot and an office in San Francisco. He has no dock in that city but stated that he would build one if needed. He has the use of space on a customer's dock in Emeryville when he needs it. Applicant employs five full-time drivers, a part-time mechanic and two part-time office workers in the business. He has eleven pieces of equipment.

Applicant is, almost exclusively, on a same-day direct delivery basis. He will consolidate when he has to but can usually avoid it. An exhibit listed 56 commodities carried. He has served a large number of consignors and consignees. Shipment weights have varied from 6 to over 40,000 pounds as shown by applicant's traffic exhibit.

The evidence shows that applicant has 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 applicant's services. Public convenience and necessity require that the application be granted. This grant will be on the

condition, however, that applicant 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.

Applicant is 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 John Scannell, doing business as Scannell Brothers Drayage, 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 uncrated used household goods, livestock and explosives 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, applicant 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, applicant 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, applicant 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 the date hereof.

Dated at San Francisco, California, this 1st day of February, 1955.

John L. Kitchell
President
Justin F. Calleson
Ralph L. Kitchell
William J. H. H. H.
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 north-easterly 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:

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| 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 |
| Castro Valley | Millbrae | Point San Pablo | Visitacion |
| Camp Knight | Mills Field | Richmond | Westlake |
| Castro Valley | Mills Field | Russell City | Winchaven |
| Colma | Mt. Eden | San Bruno | Yerba Buena |
| Colby City | Oakland | San Francisco | Island |
| East Oakland | Oakland Municipal | San Francisco Inter- | |
| El Cerrito | Airport | national Airport | |

APPENDIX "A" (Continued)

MAP SHOWING
LIMITS OF SAN FRANCISCO - EAST BAY CARTAGE ZONE

