

Decision No. 51202**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 C. H. ATTHOWE and J. M. ATTHOWE,)
 doing business as EAST BAY DRAYAGE)
 AND WAREHOUSE CO., for a certificate) Application No. 36664
 of public convenience and necessity)
 to operate as a highway common)
 carrier for the transportation of)
 property.)

O P I N I O N

This application was filed by the applicants on January 21, 1955. By it they seek to take advantage of the offer made in the Commission's Decision No. 50872 in Case No. 5535 to bring the authority of existing common carriers in the San Francisco-East Bay Cartage Zone to the level granted to the various applicants whose requests were disposed of in connection with Case No. 5535.

Applicants hold a "grandfather" operative right, in a portion of such cartage zone, which was defined by the Commission in Decision No. 24935, dated June 27, 1932, in Case No. 3267. This decision authorized transportation between San Francisco and those East Bay cities located between Albany on the north and Alameda on the south. By Decision No. 48008, dated December 2, 1952, in Application No. 32508, the Commission broadened applicants' authority to include virtually the entire East Bay section of the cartage zone, and also to encompass South San Francisco, Colma and Daly City on the western side of the Bay. It will be noted that applicants' present authority includes all the larger points, most of the other points, and therefore the extension of authority herein requested is relatively minor. No public hearing appears to be necessary.

There is attached to the application a balance sheet of applicants as of September 30, 1954. This reveals current assets

of \$43,282.25; current liabilities of \$6,880.25 and total capital of \$48,713.59. Applicants' profit and loss statement for nine months ended September 30, 1954, reveals a net profit of \$9,672.59 upon total revenue of \$144,329.66.

Applicants' fleet consists of 8 trucks, 12 tractors and 20 semi-trailers. Applicants' facilities are adequate to carry on the business they seek to undertake.

The Commission is of the opinion that the applicants were an established common carrier in the San Francisco-East Bay Cartage Zone prior to the issuance of the Commission's Decision No. 50872 in Case No. 5535 on December 14, 1954, and that applicants have sufficient financial resources, facilities, equipment, experience and personnel to render the service proposed by them in this application.

The certificates granted in applications connected with Case No. 5535 were all made effective on February 1, 1954. Therefore, the order herein will be made effective on its date in order to lessen any competitive disadvantage that may arise.

O R D E R

Application having been filed, the Commission having considered the same and being of the opinion and finding that no public hearing is required in this proceeding, and that public convenience and necessity so require, therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to C. H. Atthowe and J. M. Atthowe, doing business as East Bay Drayage and Warehouse Co., 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 household goods, petroleum

products in bulk, and livestock, and except the transportation of commodities in insulated equipment under mechanical refrigeration, between the points set forth in Appendix "A" annexed 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, 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.

(3) The operative authority of applicants created by Ordering Paragraph No. 6 of Decision No. 29196 in Application No. 19838, and Decisions Nos. 48008 and 48161 in Application No. 32508 is hereby revoked and canceled to the extent necessary to prevent duplication of the authority herein granted but in all other respects shall remain in full force and effect. Said revocation and cancellation shall take effect simultaneously with the institution of service under the authority herein granted.

(4) In so far as the authority herein granted may duplicate operative rights possessed by applicants as a result of operations conducted on or before July 26, 1917, and in good faith continuously thereafter by applicants, their predecessors or both, then, and to

that extent only, the rights herein granted shall be deemed to be a restatement and continuation of said rights based on operations as aforesaid and not as new creations.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th day of March, 1955.

J. E. Mitchell
President

Justin D. Caswell

Royce Winters

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 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 northwesterly 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
Erisbane	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
Coly 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

