

Decision No. 51204

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DE PUE DRAYAGE CORPORATION, A cor-)
poration, for a certificate of)
public convenience and necessity)
authorizing extension of service,)
as a highway common carrier, between)
San Francisco, on the one hand, and)
Hayward and San Pablo, on the other.)

Application No. 36066
(Amended)

Vaughan, Paul and Lyons, for applicant.

O P I N I O N

This application was filed on November 12, 1954 and was amended on January 26, 1955. The amendment was filed for the purpose of bringing the application within the Commission's statement at sheet 13 of Decision No. 50872 in Case No. 5535, which, under certain conditions, offered to broaden the authority of existing common carriers in the San Francisco-East Bay Cartage Zone to equal that granted to applicants in that proceeding.

The certificate here involved was originally granted to the Overland Freight Transfer Company on June 30, 1952 by Decision No. 47391 in Application No. 32112. It authorized transportation between West Bay points, San Francisco to South San Francisco, and East Bay points extending from Richmond to San Leandro, which, it will be noted, covers the greater portion of the cartage zone. That decision also granted authority, subject to certain limitations, to points outside the cartage zone. Under authority of Decision No. 48306 in Application No. 33807, dated February 24, 1953, these operative rights were transferred from the Overland Freight Transfer Company to applicant.

A balance sheet of applicant, as of September 30, 1954, was annexed to the original application as Exhibit C. It showed current assets of \$26,925.83; current liabilities of \$13,174.01 and capital investment of \$14,607.15. The operating statement for the first nine months of 1954, also annexed to the original application, shows net operating income of \$912.72 for that period.

A list of applicant's operating equipment was annexed as an exhibit to the original application. It reveals a fleet consisting of 10 trucks, 7 tractors, 11 semitrailers and 1 dolly.

It appears that applicant has the requisite financial resources, experience, facilities, equipment and personnel to undertake service to the area requested by the amended application. The Commission is of the opinion that no public hearing is necessary in this matter. The certificates granted to the new applicants in connection with Case No. 5535 were all made effective on February 1 of this year. For that reason the Commission is of the opinion that the authority herein granted should be made effective on the date of the order so as to lessen any competitive disadvantage to the applicant.

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 the Commission having considered the same and being of the opinion and finding that no public hearing is necessary 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 De Pue Drayage Corporation, a corporation, 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, excepting petroleum products in tank vehicles, uncrated household goods, explosives, livestock, and motor vehicles, 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, 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.

3. The operative authority heretofore created by Decision No. 47391, Ordering Paragraph No. 1, dated June 30, 1952, in Application No. 32112, is hereby partially revoked and canceled

to the extent necessary to prevent duplication between the authority therein granted and the authority granted herein. Such revocation and cancellation shall take effect simultaneously with the establishment of service under this order.

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

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

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes what 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 Norton Avenue; thence westerly along Norton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Norton 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 | Stega |
| 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 | Hills Field | Richmond | Westlake |
| Castro Valley | Mt. Eden | Russell City | Winhaven |
| Colma | Mt. Eden | San Bruno | Yerba Buena |
| Daly 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

