

ORIGINALDecision No. 51583

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 FRANK E. COSTA and GEORGE J. ROSSI, JR.,
 copartners doing business as HUDDLESTON
 DRAYAGE COMPANY, for a certificate of
 public convenience and necessity to
 operate as a highway common carrier
 within the San Francisco-East Bay
 Cartage Zone.

Application No. 36851

O P I N I O N

Applicants filed this application on April 1, 1955, seeking a highway common carrier certificate in the San Francisco-East Bay Cartage Zone as described in Decision No. 50872 (Case 5535, 53 Cal. P.U.C. 696). They seek authority to transport general commodities except petroleum products in bulk, uncrated household goods, livestock, and commodities of unusual value.

The Huddleston Drayage Company has been in operation for the past 25 years. Since permits have been required, it has conducted its transportation activities under radial highway common and city carrier permits. The present partnership has operated the business since January 1951 and engaged in local and transbay operations.

Applicants attached to their application certain exhibits concerning their business and its activities. The financial data included a year-end balance sheet of 1954, a profit and loss statement for the same year and a comparison of revenues and expenses for the four years of partnership operation, 1951-1954. Current liabilities were less than \$1,000 and there were no fixed liabilities. Current assets exceeded \$13,000, and fixed assets,

\$19,000. Trucks were depreciated more than fifty per cent but the applicants have a large "cash-in-bank" figure. Operating ratios have all been under seventy per cent. However, no salaries are charged by the partners to operating expenses and the ratios are before income taxes.

Permanent personnel consists of both partners, four drivers, one office helper, one accountant and one miscellaneous helper. The application describes the personnel as experienced. Applicants own and operate five trucks ranging in size from one to seven tons capacity. There are no outstanding obligations on this equipment. The terminal consists of a rented garage in San Francisco. There is in excess of 3,500 square feet of garage space and adequate office space. There is a loading platform and certain equipment for handling shipments over a dock.

Applicants now offer, and propose to continue to offer if certificated, both same day and overnight services. Direct delivery is the rule, but some shipments are handled through the terminal. An exhibit shows that in October 1953 applicants handled 306 transbay shipments weighing 262,810 pounds and averaging 859 pounds per shipment. In October, 1954, the same figures in the same order were 220, 180,889 and 822 respectively. Another exhibit shows that twenty consignors in San Francisco, four in Oakland, two in South San Francisco, one in Berkeley and one in Emeryville were served in January 1955. Many different commodities have 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 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. While this application was filed only recently applicants appear to be similarly situated to other carriers in the area, particularly in regard to the rule of the Nolan Decision.⁽¹⁾ Since the questions involved in bay area transportation have been fully considered in the recent past, a public hearing is not necessary.

Applicants are placed on 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, 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 Frank E. Costa and George J. Rossi, Jr., copartners doing business as Huddleston Drayage Company, 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

(1) Nolan vs. Commission (1953) 41 Cal. 2d. 392.

petroleum products in bulk in tank vehicles, uncrated household goods, livestock and commodities of unusual value 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, 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 twenty days after the date hereof:

Dated at San Francisco, California, this 9th day of June, 1955.

Robert E. Mitchell
 President

Ralph Winters

William D. ...

 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:

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	Winchaven
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

