

**ORIGINAL**Decision No. 59766

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MILTON J. DALY, doing business  
as HAWAIIAN EXPRESS & DILLON  
DRAYAGE CO. for a certificate of  
public convenience and necessity to  
operate as a highway common carrier

Application No. 41510

In the Matter of the Application of  
ALFRED J. OLMO DRAYAGE CO., a  
corporation, for a Certificate of  
Public Convenience and Necessity to  
extend highway common carrier service  
to all points in San Francisco  
Territory

Application No. 41526

In the Matter of the Application of  
CHARLES MEEK, doing business as  
C & M TRUCKING COMPANY, for a  
certificate of public convenience and  
necessity to operate as a highway  
common carrier.

Application No. 41733

Marvin Handler, for Hawaiian Express & Dillon  
Drayage Co., and Charles Meek dba C & M  
Trucking Service; Willard S. Johnson, for  
Alfred J. Olmo Drayage Co., applicants.

O P I N I O N

By the above-entitled matters, Milton J. Daly, doing business as Hawaiian Express & Dillon Drayage Co., by an application filed September 23, 1959, Alfred J. Olmo Drayage, application filed September 30, 1959, and Charles Meek, doing business as C & M Trucking Company, application filed December 8, 1959, request authorization from this Commission to expand their highway common carrier operations in the San Francisco Bay Area. The three

applications were consolidated and public hearings were held thereon in San Francisco on December 21, and 22, 1959 before Examiner James F. Mastoris at which time evidence was presented and the matters submitted.

Authority Requested

In effect all three applicants seek to extend their operating rights in the San Francisco-East Bay Cartage Zone to San Jose by proposing to serve points on the San Francisco Bay peninsula between San Mateo and San Jose over U. S. Highways 101 and 101 By-Pass and on the east side of the bay between Hayward and San Jose over California Highways 9 and 17. Authority is also requested to operate between all points laterally within five miles of said highways, and to use all connecting routes. All three carriers desire to transport general commodities, with certain exceptions, between the aforementioned points. At present Hawaiian Express & Dillon Drayage and the Alfred J. Olmo Drayage Co. possess certificates authorizing general commodity carriage while the C & M Trucking Company's authority is limited to three specified commodities.

Evidence Support of Applications

The applicants presented oral and documentary evidence in justification for the authorization sought which evidence can be summarized as follows:

(1) Their shippers, over a period of years, have been moving out of San Francisco and have been establishing new and branch plants, yards and factories in the proposed area. As a result there has been a continuing demand for drayage service on both sides

of the San Francisco Bay to and from the transferred locations.

(2) The area in question has been experiencing a tremendous increase in population and industrial growth to such an extent that the entire Bay Area is considered by the shipping public to be a single integrated metropolitan drayage area. The applicants claim, in order to retain old customers and obtain new business, they must hold operating rights sufficient to serve the whole territory. All three carriers declare present limitations on their certificates result in loss and diversion of traffic to competitors.

(3) Many shipper witnesses testified that split delivery rate advantages, not available to them at present, would become so if the additional territory is awarded to these carriers.

(4) Other shippers claim dock congestion at their places of business will be decreased if the number of carriers making pickups and deliveries is reduced.

(5) Most of the shipper witnesses supporting the three applicants allege same-day pickup and delivery service has become indispensable in the proposed area on shipments to and from San Francisco and the proposals by the applicants to provide such service constitute a concrete advantage for their businesses.

(6) Those shippers supporting each applicant desired to continue using the respective applicant's facilities because of the individualized and dependable service given to them in the past. Inasmuch as the anticipated future needs in the proposed region are expected to be similar to past requirements these witnesses preferred to remain with those carriers providing such service.

(7) All applicants were apprehensive of furnishing service to the proposed area under their permitted operating rights because of the resultant legal complications that might arise from an increasing frequency of operations between the same points.

Protests

No person or firm protested these applications.

Findings and Conclusions

Evidence of the public need for these extensions has been established. The Commission, therefore, is of the opinion and finds that public convenience and necessity require that the applications be granted. We find and conclude that there is a present and prospective need for the proposed expansion, and that the applicants possess the experience and equipment to extend their certificates and maintain the operations to be authorized. We further find that the applicants possess the financial ability to support the proposed service and the resources to acquire such additional equipment as may be required to conduct such operations. The requested relief will be granted by adding new and revised pages to Appendix A of the various decisions establishing the applicants' operating authorities.

O R D E R

Applications having been filed and public hearings having been held thereon,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Milton J. Daly, doing business as Hawaiian Express & Dillon Drayage Co.; to Alfred J. Olmo Drayage Co.; and to Charles Meek, doing business as C & M Trucking Company, authorizing said persons and firms to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code,

for the transportation of property between the points set forth in Appendix A to Decision No. 51321 of Application No. 36007, dated April 12, 1955; in Appendix A of Decision No. 50867 in Application No. 35082 dated December 14, 1954; and in Appendix A of Decision No. 52115 in Application No. 35942 dated October 18, 1955, hereto attached and by reference made a part hereof; the new rights granted to be consolidated and operated in conjunction with present rights.

2. That to carry out the provisions of the preceding ordering paragraph, Appendix A to Decisions Nos. 51321 and 50867 is amended by adding First Revised Pages 1, and 2 and Appendix A to Decision No. 52115 is amended by adding First Revised Page 1 and Original Page 2, all revised pages attached hereto and by reference made a part hereof.

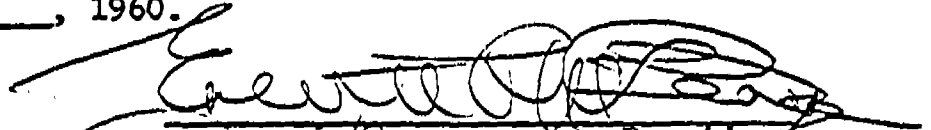
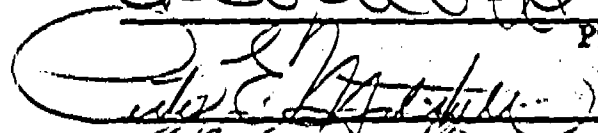

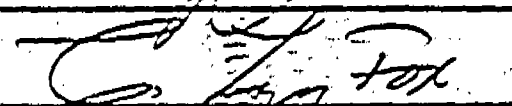
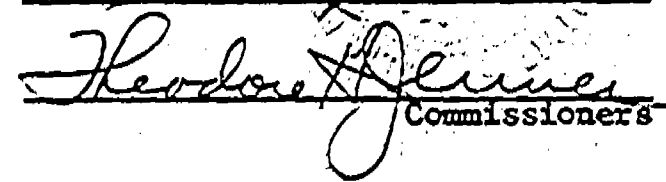
3. That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificates herein granted. By accepting the certificates of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authorities granted by this decision.
- b. Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicants shall establish the services herein authorized,

and file in triplicate and concurrently  
make 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 8<sup>th</sup>  
day of March, 1960.

  
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President  
  
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Commissioners

A. Hawaiian Express & Dillon Drayage Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the points and within the territory hereinafter set forth on Page 2 of this Appendix provided, however, that applicant shall not transport any shipments of the following:

- a. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- b. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- c. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- d. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
- e. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- f. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- g. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- h. Logs.

Issued by California Public Utilities Commission.

Decision No. 59766, Application No. 41510.

SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; Westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to the point of beginning.

Also, within five miles laterally of all points and places on State Highway 17 between San Jose and junction with State Highway 9, and within five miles laterally of all points and places on State Highway 9 between junction with State Highway 17 and Hayward.

Issued by California Public Utilities Commission.

Decision No. 59766, Application No. 41510.



A. Alfred J. Olmo Drayage Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the points and within the territory hereinafter set forth on Page 2 of this Appendix provided, however, that applicant shall not transport any shipments of the following:

- a. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- b. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- c. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- d. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
- e. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles.
- f. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- g. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- h. Logs.

Issued by California Public Utilities Commission.

Decision No. 59766, Application No. 41526.

SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Mcraga Avenue to Estates Drive; Westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Also, within five miles laterally of all points and places on State Highway 17 between San Jose and junction with State Highway 9, and within five miles laterally of all points and places on State Highway 9 between Junction with State Highway 17 and Hayward.

Issued by California Public Utilities Commission.

Decision No. 59766, Application No. 41526.

A. Charles Meek, doing business as C & M Trucking Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the points and within the territory hereinafter set forth on Page 2 of this Appendix provided, however, that applicant shall not transport any shipments of the following:

- a. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- b. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- c. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- d. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
- e. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles.
- f. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- g. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- h. Logs.

Issued by California Public Utilities Commission.

Decision No. 59766, Application No. 41733.

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