

ORIGINALDecision No. 60053

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Kenneth D. Rudd, doing business as)
 RUDDWAY DRAYAGE, for removal of re-)
 striction in, and extension of, his)
 certificate of public convenience)
 and necessity to operate as a high-)
 way common carrier.)

Application No. 41691

O P I N I O N

Kenneth D. Rudd, doing business as Ruddway Drayage, is a highway common carrier. He seeks, by this application, additional highway common carrier operating rights.

Rudds's present operating authority authorizes him to transport general commodities, with limited exceptions, within the San Francisco-East Bay Cartage Zone and between San Mateo (which is in the cartage zone) and San Jose, including intermediate points on U. S. Highways 101 and 101 By-Pass. The decision which granted Rudd the authority to serve between San Mateo and San Jose restricted him from establishing through routes and joint rates between points in the cartage zone and the additional territory authorized, except for points on U. S. Highways 101 and 101 By-Pass between San Francisco and San Jose.

Rudd seeks herein to eliminate the restriction against establishing through routes and joint rates within the area it is authorized to serve and, in addition, Rudd seeks authority to serve the following additional area:

- a. Between the San Francisco-East Bay Cartage Zone, as defined in said Decision No. 53400, and San Jose and intermediate points via State Highways 9 and 17.

- b. Between points within 10 miles of the city limits of San Jose via connecting highways.
- c. Between points within 5 miles of the limits of the San Francisco-East Bay Cartage Zone, as defined in said Decision No. 53400, via connecting highways.
- d. Between points within 10 miles of U. S. Highway 101, U. S. Highway 101 By-Pass, State Highway 9, or State Highway 17 south of the southern limit of the San Francisco-East Bay Cartage Zone, as defined in said Decision No. 53400, and north of the city limits of San Jose, via connecting highways.
- e. Between any and all points authorized to be served by applicant in the decision on this application or in any prior decision of this Commission.

The verified application avers that applicant has had numerous requests from shippers and receivers of freight, for whom applicant now hauls within the cartage zone or between San Francisco and San Jose, to transport shipments between East Bay and San Jose, including intermediate points. Rudd also contends that his present rights are confusing to the shipping public because of the aforementioned restriction. No protests were filed respecting this application. A public hearing is not necessary.

Rudd owns 17 pieces of operating equipment. His net worth is approximately \$39,000 and his gross revenues for the first 10 months of 1959 were \$118,972.

The Commission finds that applicant has the ability, including financial ability, to conduct the operations for which authority is herein sought. The Commission further finds that public convenience and necessity require the granting of the application to the extent hereinafter set forth.

In order to avoid confusion among the shipping public and assist the Commission in its regulatory functions, the additional operating authority herein granted and Rudd's existing certificates of public convenience and necessity will be consolidated.

Kenneth D. Rudd is hereby 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 modified or canceled 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

An application having been filed and based upon the evidence therein contained,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Kenneth D. Rudd authorizing the transportation of property as a highway common carrier, as defined by Section 213 of the Public Utilities Code, between the points and over the routes as set forth in Appendices A and B attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance

requirements of the Commission's General Order No. 100A. 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 Orders Nos. 99 and 100A, may result in a cancellation of the operating authority 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes all existing certificates of public convenience and necessity heretofore granted to or acquired by Kenneth D. Rudd, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2, subparagraph b, hereof.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of May, 1960.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Kenneth D. Rudd, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points as more particularly delineated and described in Appendix B attached hereto.

Applicant shall not transport any shipments of:

1. 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.
2. 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.
3. 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.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
5. 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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Decision No. 60063, Application No. 41691.

1. The San Francisco-East Bay Cartage Zone, including the 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 Lynnwood Drive to South 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 By-Pass); 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 Angeleo) 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 interstecion 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

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Decision No. 60863, Application No. 41691.

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 northeasterly 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 water front 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.

2. Between San Mateo and San Jose and intermediate points on U. S. Highways 101 and 101 By-Pass, between Hayward and San Jose and intermediate points on State Highways 9 and 17, and between all points laterally within 5 miles of said highways.

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3. All points and places located within a radius of ten miles of San Jose.
4. Service to be performed between certificated points via any and all available streets and highways including all connecting streets and highways.

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