

ORIGINAL

Decision No. 60119

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LORRAINE DI LEO, doing business as L & S DRAYAGE CO., for a certificate of public convenience and necessity to operate as a highway common carrier.

Application No. 41739

Marvin J. Colangelo, for applicant.

O P I N I O N

Applicant presently holds permits and two certificates of public convenience and necessity as a highway common carrier. Under the latter authority applicant transports general commodities with the usual exceptions in and between Peninsula points as far south as San Mateo and East Bay points as far south as Hayward and Mount Eden pursuant to one of the certificates. The other permits the transportation of a list of more limited commodities between Peninsula points south to San Jose.

By the present application a new certificate of public convenience and necessity is requested, in lieu of, and as an extension of the existing highway common carrier rights to authorize the transportation of general commodities except uncrated used household goods and personal effects, petroleum products in bulk and in tank vehicles, livestock, commodities of unusual value, logs and full size vehicles in caravans or otherwise, generally in and between points in the San Francisco-East Bay Cartage Zone and San Jose and Hayward serving intermediate points.

Public hearing was held in San Francisco on April 11, 1960 before Examiner Rowe. Evidence was adduced and the matter duly submitted for decision.

Public witnesses representing a substantial percentage of the shippers in the area appeared in support of the application. Additional need for the proposed service was also indicated. No one appeared in protest although all competitors in the proposed area were notified.

Based upon the evidence of record the Commission is of the opinion and finds that public convenience and necessity require that applicant be granted the operative rights she requests. The application will be granted by issuing to her a certificate of public convenience and necessity in the form requested.

Lorraine Di Leo 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

Application having been filed, public hearing having been held and the Commission being fully advised,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Lorraine Di Leo, authorizing the transportation of general commodities except uncrated used household goods and personal effects, petroleum and petroleum products in bulk and in tank vessels, livestock, commodities of unusual value, logs and full or large size vehicles in caravans or otherwise between the points and over the routes set forth in Appendix A attached hereto and by reference made a part hereof.

2. That in providing service pursuant to the authorization 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. 100-A. 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 100-A, 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 the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That the operating authority created by Decision No. 51042, dated January 25, 1955, in Application No. 35340, and Decision No. 54451 dated January 29, 1957, in Application No. 36213, which was transferred to Lorraine Di Leo by Decision No. 59040 dated September 22, 1959, in Application No. 41401, are hereby canceled, said cancellation to become effective concurrently with the effective date of tariff filings required by Paragraph 2(b) hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 17th day of May, 1960.

[Signature]
President

[Signature]

[Signature]

Commissioners

Matthew J. Dooley
Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.

Lorraine Di Leo by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities from, to and between all points and places located in the following areas and along the following routes:

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 So. Mayfair Avenue; thence westerly along said So. 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

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Decision No. 60119, Application No. 41739.

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 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 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.

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.
3. 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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Decision No. 60119, Application No. 41739.