

ORIGINAL

Decision No. 60129

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,

In the Matter of the Application of)	
JOHN V. TYLER and R. G. CARLSON,)	
doing business as TYLER BROS.)	
DRAYAGE CO. for a certificate of)	Application No. 41741
public convenience and necessity to)	
extend highway common carrier)	
services.)	

Marvin J. Colangelo, for applicant.

O P I N I O N

By this application filed December 10, 1959, John V. Tyler and R. G. Carlson request that their operative rights be extended to permit highway common carrier service from the San Francisco-East Bay Cartage Zone south down the Peninsula to San Jose and in the East Bay south to Newark, Milpitas and also San Jose.

Public hearing was held in San Francisco before Examiner Rowe on April 12, 1960. Evidence was adduced and the matter was submitted for decision. Although the usual notice was given to competitors no one appeared in protest.

From the evidence of record the Commission finds that public convenience and necessity require that applicants render the service as proposed. This will be accomplished by granting a new certificate of public convenience and necessity as requested and by canceling and revoking all prior rights held by applicants.

Applicants are 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 therefor having been filed, public hearing having been held and based upon the above findings,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to John V. Tyler and R. G. Carlson, partners authorizing them — 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 as more particularly set forth in Appendix A attached hereto and made a part hereof.

2. That in providing service pursuant to the authority 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 certificate herein granted. By accepting the certificate 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 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, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That the highway common carrier operative rights transferred to John V. Tyler and R. G. Carlson by Decision No. 52695, dated February 28, 1956, in Application No. 37385, are hereby revoked, such revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2b 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.

Orville B. Wilson

President

John E. Mitchell

E. L. Fox

Commissioners

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

John V. Tyler and R. G. Carlson, by the certificate of public convenience and necessity granted by the decision noted in the margin, are 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 Lynnewood 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

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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 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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