

ORIGINALDecision No. 60504

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WILLIAM GONZALEZ, doing business as
 GONZALEZ DRAYAGE CO., for a Certi-
 ficate of Public Convenience and
 Necessity to operate as a Highway
 Common Carrier for the transporta-
 tion of general commodities between
 presently certificated points and
 Sacramento, Stockton, and other
 points.

Application No. 41938

Marquam C. George, for applicant.O P I N I O N

William Gonzalez, doing business as Gonzalez Drayage Co., seeks authorization in this application, filed February 9, 1960, to extend his highway common carrier operating rights in order to transport general commodities, with certain exceptions, between various points in the San Francisco-East Bay area and Sacramento, Cupertino, Campbell and Los Altos. A public hearing on this application was held before Examiner James F. Mastoris at San Francisco on June 22, 1960, at which time evidence was presented by the applicant and the matter submitted.

Present Operating Authority

Presently this carrier operates under a certificate of public convenience and necessity authorizing general commodity transportation between the San Francisco-East Bay Cartage Zone and San Jose, and all points intermediate thereto over U. S. Highway No. 101 and U. S. Highway No. 101 Bypass. In addition applicant holds radial highway common, highway contract and city carrier permits.

Specific Authority Requested

By this proposed extension applicant specifically seeks to enlarge his certificate in order to transport general commodities, with certain exceptions, between the following points and places:

- (1) Between the San Francisco-East Bay Cartage Zone and San Jose and all points intermediate thereto and between intermediate points via State Highways 17 and 9,
- (2) Between presently authorized points and Sacramento and all points intermediate thereto and between intermediate points via U. S. Highways 40 and 50,
- (3) Between presently authorized points and Cupertino, Campbell and Los Altos.

Shipper Evidence in Support of Application

Applicant's evidence in support of this application indicated that increased highway common carrier authority is needed in order to satisfy the increasing public demand for service into the proposed destination territory, especially with reference to the shipments of tile into Sacramento. Shipper witnesses declared in substance that they require and will have future need for the particular service offered by the applicant. Because of the nature of their business many shippers require very early morning delivery in Sacramento; this carrier has been providing this particular service in the past and proposes to continue such operations in the future. In addition an expansion of the certificate is expected to provide split delivery rate benefits as well as avoidance of problems surrounding mixed certificated and permitted operations. San Francisco Peninsula points of Cupertino, Campbell and Los Altos are needed in order to provide a more complete service for San Francisco shippers having freight destined to these growing areas.

Protests

There was no opposition to this application.

Findings and Conclusions

Evidence of the public need for this extension has been established. The Commission, therefore, is of the opinion and finds that public convenience and necessity require that the application be granted. We find and conclude that there is a present and prospective need for the proposed expansion, and that the applicant possesses the experience and equipment to extend his certificate and maintain the operations to be authorized. We further find that the applicant possesses the financial ability to support the proposed service. His terminal facilities and personnel are adequate and suitable for the purposes intended in this application. The requested relief will be granted by adding new and revised pages to Appendix A of applicant's certificate, established in Decision No. 56406, Application No. 36264, and by establishing Appendix B, in order to incorporate the additional authority granted in the order that follows. Appendices A and B, therefore, as set forth in the following order, will encompass the entire certificate, as revised, of William Gonzalez.

Applicant 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, a public hearing having been held, and based upon the above findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to William Gonzalez authorizing the establishment and operation of service as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes set forth in Appendices A and B attached hereto and made a part hereof, and subject to the conditions and restrictions of said Appendices. Operating rights presently described in William Gonzalez' current Appendix A as established and set forth in Decision No. 56406, Application No. 36364 and Decision No. 50928 in Application No. 35200, are hereby revoked and annulled, said revocation and annulment to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

(2) That, 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 he will be required, among other things, to file annual reports of his 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.

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

Dated at San Francisco, California, this 27th day of August, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

A. William Gonzalez, 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 and places, and over the routes specified, as follows:

1. Between all points within the San Francisco-East Bay Cartage Zone;
2. Between the San Francisco-East Bay Cartage Zone and San Jose and all intermediate points thereto via U. S. Highways 101 and 101 Bypass;
3. Between the San Francisco-East Bay Cartage Zone and San Jose and all intermediate points thereto via State Highways 17 and 9;
4. Between all the points hereinabove set forth in paragraphs 1 and 2 and Sacramento and all points intermediate thereto via U. S. Highways 40 and 50;
5. Between all the points hereinabove set forth in paragraphs 1 and 2 and Cupertino, Campbell and Los Altos;
6. Between any and all points set forth in 1 through 5 above.

Also service to or from any points within a distance of three miles of any and all of the above-mentioned points and routes.

For operating convenience only, all roads, streets and highways connecting the above-mentioned points and routes.

B. William Gonzalez 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.

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- (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) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- (7) 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.
- (8) Logs.

(End of Appendix A)

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The San Francisco-East Bay Cartage Zone includes 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 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

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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.