

ORIGINAL

60663

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 COLMA DRAYAGE, INC., a California)
 corporation, for a certificate of)
 public convenience and necessity to)
 operate as a Highway Common Carrier)
 between presently certificated points)
 (San Francisco Bay area) and)
 Sacramento, Pittsburg, Lodi, Modesto)
 and intermediate points.)

Application No. 41586

Marquam C. George, for applicant.

O P I N I O N

Colma Drayage, Inc., is a highway common carrier operating under certificates of public convenience and necessity issued by this Commission. It also holds the following permits issued by this Commission: City Carrier, Highway Contract Carrier and Radial Highway Common Carrier. By this application Colma seeks additional highway common carrier operating rights.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis on April 5, 1960 at San Francisco. No protestants appeared at said hearing. The matter is now ready for decision.

The record discloses that Colma has approximately 37 pieces of operating equipment. It has a terminal in San Francisco, dock facilities in San Jose and an office in Colma. As of June 30, 1959, Colma had an earned surplus of \$44,585. It had a net profit after taxes for the first six months of 1959 of \$25,950. The Commission finds that Colma has the ability, including financial

ability, to conduct the operations for which authority is herein sought.

Colma is presently authorized to transport, as a highway common carrier, general commodities, with limited exceptions, between: (1) all points in the San Francisco-East Bay Cartage Zone; (2) San Mateo and San Jose and intermediate points; (3) Hayward and San Jose and intermediate points; (4) San Francisco, Oakland and Berkeley, on the one hand, and on the other hand, Decoto, Niles and Newark; (5) San Francisco, on the one hand, and Stockton, on the other hand. Colma is prohibited from establishing through routes and joint rates and charges between Stockton and the San Francisco-East Bay Cartage Zone and the authorities described in numbers (2), (3) and (4) above set forth.

Colma seeks herein removal of the restriction prohibiting it from establishing through routes and joint rates and charges between points it is presently authorized to serve and additional operating authority. It seeks to serve:

(a) Between all points presently certificated and Stockton and all points intermediate thereto, as well as between said intermediate points, via U.S. Highway 40 to Crockett, via unnumbered county road between Crockett and Pittsburg including Martinez, Avon, Port Costa, Port Chicago, via State Highway 24 between Pittsburg, Antioch and Isleton, via State Highway 12 to Rio Vista, via State Highway 12 from Rio Vista to Lodi, via U.S. Highways 50 and 99 between Lodi and Stockton.

(b) Between all points presently certificated and Stockton, and all points intermediate thereto as well as between said intermediate points, via U.S. Highway 50, including the off-route points of Livermore and Pleasanton.

(c) Between all points presently certificated and Modesto, and all points intermediate thereto, as well as between said intermediate points, via U.S. Highway 50, State Highway 120 to Manteca, U.S. Highway 99 between Manteca and Modesto.

(d) Between all points presently certificated and Sacramento, and all points intermediate thereto, including the off-route point of Vallejo, as well as between said intermediate points, via U.S. Highway 40.

(e) Between Sacramento and Modesto via U.S. Highway 99, and all points intermediate thereto, as well as between said intermediate points.

It also seeks to serve all points within a distance of three miles of any and all of the above points and routes. For operating convenience only, it seeks authority to use all roads, streets and highways connecting the above points and routes.

Colma presented the testimony of 47 members of the shipping public in behalf of this application. This testimony indicates that some firms, which have been using the services of Colma for many years, have moved and that the new locations are in areas from which Colma is not authorized to give them the same territorial highway common carrier service that they had been receiving, and that they want to have Colma transport their shipments to places it could serve from their old locations. The testimony also discloses that many firms, which are presently using Colma to meet all or part of their transportation needs, are expanding their operations in the areas here under consideration; that these firms are accustomed to working with Colma personnel who know their transportation needs; that Colma gives excellent service; and that it would be of benefit to these firms if Colma

is authorized to serve the areas for which authority is herein requested.

The Commission finds that public convenience and necessity require that the application be granted.

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

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.

ORDER

A public hearing having been held in the above-entitled matter and based upon the findings and conclusions hereinabove set forth,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Colma Drayage, Inc., a corporation, 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. 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 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 Colma Drayage, Inc., which certificates, contained in Decisions Nos. 52653 and 52139 in Application No. 36222 and Decision No. 51045 in Application No. 35555, and acquired by applicant corporation by Decision No. 52044 in Application No. 37116 and Decision No. 54101 in Application No. 38220, are hereby canceled and revoked, said revocation to become

effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 30th day of August, 1960.

Carroll W. Rogers
 President

W. E. Mitchell

W. J. ...

C. ...

Commissioners

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

Colma Drayage, Inc., 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 in the following zone and on or within three miles of the following routes:

- (a) San Francisco-East Bay Cartage Zone, more particularly set forth in Appendix B attached hereto and made a part hereof.
- (b) U.S. Highways 101 and 101 By-Pass between and including San Mateo and San Jose.
- (c) State Highways 9 and 17 between and including Hayward and San Jose.
- (d) U.S. Highway 40 between and including San Francisco and Sacramento.
- (e) Unnumbered county road between Crockett and Pittsburg and State Highways 24 and 12 between Crockett and Lodi via and including Port Costa, Martinez, Avon, Port Chicago, Pittsburg, Antioch, Rio Vista and Isleton.
- (f) U.S. Highway 50 between and including Oakland and Stockton.
- (g) U.S. Highway 99 between and including Sacramento and Modesto.
- (h) State Highway 120 between the junction with U.S. Highway 50 and Manteca.

Applicant shall have the authority to use any appropriate route, for operating convenience only, in rendering service between any of the points it is herein authorized to serve.

Through routes and rates may be established between any and all points specified in subparagraphs (a) through (h) above.

Issued by California Public Utilities Commission.

Decision No. 60667, Application No. 41536.

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 refrigerated 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.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 60863, Application No. 41586.

APPENDIX B TO DECISION NO. _____

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.