

**ORIGINAL**Decision No. 61295

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 UNIVERSAL TRANSPORT SYSTEM, INC., )  
 for a certificate of public conven- )      Application No. 42866  
 ience and necessity to operate as a )  
 highway common carrier. )

O P I N I O N

By this application, filed November 17, 1960, Universal Transport System, Inc., a California corporation, requests a certificate of public convenience and necessity, pursuant to Sections 1063 and 1064 of the Public Utilities Code, for the transportation of cement, in bulk, between all points and places in the San Francisco Territory as described in Appendix B attached hereto. Applicant presently holds permits for radial highway common, highway contract and city carrier service.

As justification for the granting of the requested authority it is alleged that applicant commenced the hauling of cement in 1952 with 6 tractors, 10 semitrailers and 10 full trailers. Due to the substantial volume now enjoyed it operates 19 tractors, 38 hopper-type trailers, half of them being semi and half being full trailers. Such service is being and has been conducted under the permits mentioned above. As the needs of the public utilizing applicant's service have consistently grown, the character and frequency of movements between points in the involved territory has been markedly affected. Considering the service being rendered in the relatively small area embraced within the application and the volume of equipment being operated, applicant has determined that the permitted authorities it holds may now be and will in the future be inadequate

for its operation. In order to properly meet the present and future requirements and be assured of a continued orderly growth, this application has been filed. Because of the wide public approbation and increasing demands for service, the granting of the application will be responsive to public convenience and necessity.

It appears that these allegations are sustained by evidence in numerous proceedings before the Commission in the last 10 years. The population and industrial growth of south bay, southern Alameda County and the San Francisco peninsula is well known. The preliminary census figures released by the Federal Government confirm what many already knew about this growth.

For the 11 months ending September 30, 1960, applicant received an operating revenue of \$482,781.23, a gross income of \$499,601.91, with total operating expenses of \$464,166.38 resulting in a net income before taxes of \$35,435.53. It appears and the Commission finds, that applicant is fit to undertake the highway common carrier service proposed.

The Commission further finds that public convenience and necessity require that the application be granted. All competitors have been notified but have indicated no protest. A public hearing is not necessary.

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

An application having been filed and the Commission being of the opinion that it should be granted,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to Universal Transport System, Inc., authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes as more particularly 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 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. 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 one hundred twenty 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.

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

Dated at San Francisco, California, this 4-10 day of January, 1951

[Signature]  
President

[Signature]

[Signature]

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Commissioners

Appendix A      UNIVERSAL TRANSPORT SYSTEM, INC.      Original Page 1

Universal Transport System, Inc., is authorized by the certificate of public convenience and necessity granted in the decision noted in the margin, to transport cement, in bulk, between all points and places in the San Francisco Territory, as described in Appendix B attached hereto, using all appropriate public streets and highways.

END OF APPENDIX A

Issued by California Public Utilities Commission.

Decision No. 61295, Application No. 42866.

SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.