

ORIGINAL

Decision No. 75384

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MOTOR TRANSPORT TERMINALS, INC.,)
 a California corporation, to sell)
 and transfer a certificate of public)
 convenience and necessity to SHIMA)
 TRANSFER CO., a California corpora-)
 tion, and of SHIMA TRANSFER CO., a)
 corporation, to acquire said certi-)
 ficate of public convenience and)
 necessity.)

Application No. 50812
(Filed January 13, 1969)

O P I N I O N

Motor Transport Terminals, Inc., a corporation (seller), seeks to sell and transfer, and Shima Transfer Co., a corporation (buyer), seeks to acquire a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities between points in the San Francisco-East Bay Cartage Zone. Said certificate was originally issued by the Commission in Decision No. 51026 in Application No. 35417, and was transferred to seller pursuant to Decision No. 65634, dated July 2, 1963, in Application No. 45415. The agreed purchase price for the certificate is \$5,000, payable upon consummation of the transfer. No other assets are to be transferred.

Applicant buyer is a highway carrier operating under permits issued by this Commission. As shown in a balance sheet attached to the application, buyer's capital and retained earnings, as of September 30, 1968, amounted to \$68,261. For the three-month period ended September 30, 1968, buyer had an operating income of \$5,884, on gross revenues of \$84,992. The application alleges that buyer has conducted operations within the San Francisco Bay

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Area for a substantial number of years and has provided efficient and responsive service to the shipping public. The application avers that buyer has the financial ability, equipment and personnel necessary to provide service under the certificate sought to be acquired.

The application shows that a copy thereof was served upon the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of January 14, 1969. There are no protests.

In the circumstances it appears, and the Commission finds, that the proposed transfer is not adverse to the public interest. A public hearing is not necessary. The application should be granted.

Upon consummation of the transfer, the certificate acquired by seller will be revoked and a new certificate, in appendix form, will be issued to buyer.

Shima Transfer Co. 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

IT IS ORDERED that:

1. On or before October 31, 1969, Motor Transport Terminals, Inc., a corporation, may sell and transfer, and Shima Transfer Co., a corporation, may purchase and acquire, the operative rights referred to in the application herein.

2. Within thirty days after the consummation of the transfer herein authorized, Shima Transfer Co. shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Shima Transfer Co. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Shima Transfer Co.

shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in ordering paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Shima Transfer Co., a corporation, 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 set forth in Appendices A and B attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in ordering paragraph 5 shall supersede the certificate of public convenience and necessity granted by Decision No. 51026 and acquired by Motor Transport Terminals, Inc., pursuant to Decision No. 65634, which certificate is revoked concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. In providing service pursuant to the certificate herein granted, Shima Transfer Co. shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-E.

(b) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 4th day of MARCH, 1969.

William J. ...
President

Augusta

Fred P. Morrissey

W. ...

Thomas ...
Commissioners

Shima Transfer Co., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport general commodities as follows:

BETWEEN all points and places within the San Francisco-East Bay Cartage Zone described in Appendix B attached hereto.

In providing the service authorized herein, applicant may use any and all streets, roads, highways and bridges.

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 Item 5 of Minimum Rate Tariff 4B.
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 protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
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 dump trailers, dump semitrailers, including hopper type vehicles or a combination of such highway vehicles.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Trailer coaches or campers.
10. Portland or similar cements either alone or in combination with lime or powdered limestone by highway vehicle or vehicles loaded substantially to capacity.

Issued by California Public Utilities Commission.
Decision No. 75384, Application No. 50812.

APPENDIX B TO DECISION NO. ~~75384~~

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 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 north-easterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersec-tion 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 inter-section 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

APPENDIX B TO DECISION NO. 75384

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.