

80397

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of C. N. BATES DRAYAGE, INC., a
corporation, to extend highway
common carrier service and for
in lieu certificate of public
convenience and necessity.

Application No. 53358
(Filed May 26, 1972)

O P I N I O N

C. N. Bates Drayage, Inc. presently providing service as a highway common carrier for the transportation of general commodities, with certain exceptions, in the San Francisco Bay Area from San Francisco and Berkeley, on the north, to San Jose, on the south, requests authority to extend service north as far as San Rafael, Crockett and Concord. Applicant seeks authority to provide such extended service for the transportation of shipments moving in both intrastate and interstate or foreign commerce. An appropriate notice was filed in the Federal Register and copies of the application were served upon the carriers presently serving within the proposed area. No protest has been received.

The proposed service would be daily, Monday through Friday, with either same day or overnight delivery, depending upon the time of day the request for service is received and the points involved. Applicant owns and operates 13 units of equipment and as of December 31, 1971, indicated a net worth in the amount of \$66,017.

It is alleged that applicant has provided service to the general public for over 23 years; that it specializes in an expedited service in the greater San Francisco Bay Area to the shipping public; that with the natural growth within the area, both in population and industrialization, there has been an increasing demand for applicant's service; and that the proposed extension will enable applicant to continue to provide a needed and useful service to the shipping public.

After consideration, the Commission finds that public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein. Applicant's operating authority will be restated in the form of a new certificate. 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to C. N. Bates Drayage, Inc., 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 particularly set forth in Appendix A 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. 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-Series.

- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) 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 establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) 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.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 60187 dated May 24, 1960, as amended by Decisions Nos. 63046, dated January 9, 1962, and 74082, dated May 7, 1963, and transferred to the present holder, C. W. Bates Drayage, Inc., a corporation by Decision No. 77037,

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dated April 7, 1970, in Application No. 51765, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 29th day of AUGUST, 1972.

Vernon L. Steyer
President
William J. Symons
P. J. Martin
John M. ...
...
Commissioners

C. N. Bates Drayage, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities, subject to exceptions and restrictions noted, as follows:

1. 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, as described in Note A;
 2. Between San Mateo and San Jose and intermediate points on U. S. Highway 101 and State Highway 82 and between Hayward and San Jose and intermediate points on State Highways 238 and 17, and between all points laterally within 5 miles of said highways and all points and places within a radius of 10 miles of San Jose;
 3. U. S. Highway 101 between San Rafael and San Jose, inclusive, and points within 10 miles of said route;
 4. State Highway 17 between San Rafael and Los Gatos, inclusive, and points within 5 miles of said route;
 5. Interstate Highway 80 between San Francisco and Crockett, inclusive, and points within 10 miles of said route;
 6. State Highway 4 between Pinole and junction with Interstate Highway 680, inclusive, and points within 5 miles of said route;
 7. State Highway 24 between Oakland and junction with State Highway 4, inclusive.

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RESTRICTIONS: (1) Commodities shall not be transported when in cargo containers. (2) No shipments shall be transported to, from or between points in Solano County, California.

- II. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.
- III. Carrier 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 4-B;
 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.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers;
 4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment;
 5. Liquids, compressed gases, commodities in semiplastic 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;
 8. Logs;
 9. Articles of extraordinary value.

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Note A

SAN FRANCISCO-EAST BAY CARTAGE ZONE

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 to South Mayfair Avenue; thence westerly along said South 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 State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U. S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 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 Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence 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 said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) 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

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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 shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

(END OF APPENDIX A)

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Decision No. 80397, Application No. 53258.