

Decision No. 81785**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GUERIN DRAYAGE CO., INC., a California
 corporation for a Certificate of Public
 Convenience and Necessity authorizing
 the transportation of general commodi-
 ties between points within the San
 Francisco Territory in intrastate and
 interstate and foreign commerce.

Application No. 53898
 (Filed March 16, 1973)

O P I N I O N

Guerin Drayage Co., Inc., presently providing service as a highway common carrier for the transportation of general commodities, with certain exceptions, between points within the San Francisco Territory, requests authority to extend service to an area beyond the perimeter of the San Francisco Territory, including such points as Sausalito, Crockett, Martinez, Pittsburg, Antioch, Port Chicago, Dublin, and Pleasanton. Applicant also proposes a corresponding service on shipments moving in interstate and foreign commerce. A certificate of service, attached to the application, indicates that copies of the application were served upon 30 carriers with which the proposed service might compete as well as upon the California Trucking Association, and an appropriate notice was published in the Federal Register on July 5, 1973. No protest has been received.

Applicant proposes daily on-call service Monday through Friday. The proposed rates would be comparable to those set forth in Minimum Rate Tariff 2.

Applicant's principal place of business is in San Francisco, where it also conducts operations as a public utility warehouseman pursuant to authority duly granted by this Commission. Applicant owns and operates six units of equipment and for the period October 1, 1972 to December 31, 1972 indicated a net profit in the amount of \$7,482.

It is alleged that applicant is presently conducting operations in intrastate and interstate commerce within its certificated area as well as providing warehouse and storage service for its customers in the furniture industry; that it has been providing service within the proposed extended area as a radial highway common carrier since 1968; and that because of the increase in population and industrial development within the area, the demand of its customers for service within the proposed extended area has increased to the point where certification of said operations is necessary.

After consideration the Commission finds that:

1. Applicant is presently providing service as a permitted carrier within the proposed certificated area.
2. Applicant's permitted operations within the proposed service area have materially grown and developed over the years because of an ever increasing demand for service by applicant's customers.
3. Applicant possesses the necessary equipment and financial ability to provide the proposed service.
4. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application as amended 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.
5. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. A public hearing is not necessary.

Applicant is 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. 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 Guerin Drayage Co., 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 set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with 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 of this order, applicant shall establish the authorized service and amend or 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 authorized service.

- (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. 78660

dated May 11, 1971 in Application No. 52529, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 21st day of AUGUST, 1973.

Vernon L. Sturgeon
President
William J. Sturgeon
William J. Sturgeon
William J. Sturgeon
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Guerin Drayage Co., Inc., by the certificate of public convenience and necessity granted in 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 between:

- A. All points in the San Francisco Territory as described in Note A.
- B. All points on the following routes:
 - 1. U.S. Highway 101 between San Francisco and Sausalito, inclusive.
 - 2. Interstate Highway 80 between San Pablo and Crockett, inclusive.
 - 3. Unnumbered road between Crockett and Martinez, inclusive.
 - 4. Unnumbered road (Waterfront Road, Port Chicago Highway, Willow Pass Road) between Martinez and Pittsburg, inclusive.
 - 5. Unnumbered road (Willow Pass Road, East 14th Street, West 10th Street) between Pittsburg and Antioch, inclusive.
 - 6. State Highway 4, between Antioch and its intersection with State Highway 24, inclusive.
 - 7. Willow Pass Road between its intersection with State Highway 4 and its intersection with State Highway 24, inclusive.

Issued by California Public Utilities Commission.

Decision No. 81785, Application No. 53898.

8. State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive.
9. Interstate Highway 680 between its intersection with State Highway 24 and its intersection with State Highway 238 at Mission San Jose, inclusive.
10. Bernal Avenue between its intersection with Interstate Highway 680 and Pleasanton, inclusive.
11. All off-route points within the outer perimeter of the routes designated in subparagraphs 1 through 10.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Petroleum products in bulk in tank vehicles.
2. Livestock.
3. Fresh fruits and vegetables.
4. Commodities of unusual value.
5. Uncrated used household goods.
6. Commodities requiring mechanically refrigerated equipment.
7. Automobiles.

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Decision No. 81785, Application No. 53898.

Note A

SAN FRANCISCO TERRITORY

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 Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 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 two 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 Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along 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; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including 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 shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

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Decision No. 81785, Application No. 53898.