

Decision No. 85572**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 METRO BAY TRANSPORTATION, INC., a )  
 California corporation, for a )  
 certificate of public convenience )  
 and necessity authorizing the trans- )  
 portation of general commodities )  
 between points within the San )  
 Francisco Territory and other )  
 designated points. )

Application No. 55577  
 (Filed March 20, 1975;  
 amended September 22, 1975  
 and December 16, 1975)

O P I N I O N

Applicant Metro Bay Transportation, Inc. is a corporation organized and existing under the laws of the State of California. It now operates under authority of a radial highway common carrier permit, which authorizes the transportation of general commodities, with the usual exceptions, throughout the State of California.

Applicant has applied for a certificate of public convenience and necessity, authorizing operations as a highway common carrier of general commodities in the greater San Francisco Bay Area, between points and over various routes, with lateral rights as set forth in the appendices attached to the application. A protest was filed by Delta Lines, Inc. on April 10, 1975. It was satisfied by the Second Amendment to the Application filed on December 16, 1975.

Applicant will provide service on Monday through Friday, with same-day or overnight service depending upon when the goods to be delivered are received. The rates to be assessed will be on the same level as those contained in the Commission's Minimum Rate Tariff 2 and other applicable minimum rate tariffs, and service will be in intrastate, interstate, and foreign commerce, wholly within the

State of California. A copy of the original application was filed with the Interstate Commerce Commission and published in the Federal Register on April 9, 1975. Delta Lines, Inc. was the only protestant.

Applicant operates out of a terminal in South San Francisco with 6 vans, 2 tractors, 2 pickups, 2 van trailers, and 4 other vehicles. Applicant's balance sheet, as of December 31, 1974, shows total assets of \$66,559.10 and current liabilities of \$15,388.11; net income for 1974 is given as \$26,427.45 out of a total operating revenue of \$611,370.59.

Applicant alleges that its frequency of service in the area it has applied to serve is about to exceed the level expected of a permitted operator, and it has therefore filed this application in response to the needs of its shippers.

Upon consideration the Commission finds as follows:

1. Applicant has the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.

2. 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.

3. With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment.

4. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order. The territorial description of the authority granted herein reflects the names of

redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

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 Metro Bay Transportation, 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 of this decision.

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

administered by 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 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.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of MARCH, 1976.

I dissent;

~~Commissioner~~, Commissioner

~~Commissioner~~  
President  
William J. J. J.  
Leon L. L.  
Horr  
Subs. B. B.  
Commissioners

METRO BAY TRANSPORTATION, INC., a California corporation, 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 as follows:

1. BETWEEN all points and places in the San Francisco Territory as described in Part II hereof.
2. BETWEEN all points on or within 10 miles of the following routes:
  - a. U. S. Highway 101 from San Francisco to Novato.
  - b. State Highway 37 from its intersection with U. S. Highway 101 to its intersection with Interstate Highway 80.
  - c. State Highway 24 from Oakland to Concord.
  - d. Interstate Highway 80 from San Francisco to its intersection with State Highway 37.
  - e. Interstate Highway 680 from San Jose to Vallejo.
  - f. State Highway 21 from its intersection with Interstate Highway 680 to its intersection with Interstate Highway 80.
  - g. State Highway 4 from its intersection with Interstate Highway 80 to Concord.
  - h. State Highway 238 from its intersection with State Highway 17 to its intersection with Interstate Highway 580, thence via Interstate Highway 580 to Livermore.

RESTRICTION: Service is not authorized to, from or between the following: (1) Points in Napa County; and (2) Points which are east of the city limits of Concord.

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

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
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, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
4. 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.
5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
9. Logs.
10. Articles of extraordinary value.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

## 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; southwesterly 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

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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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