

Decision No. 43135

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ANGELO BONZI, doing business as)
SERVICE BUS LINE, for a certificate)
of public convenience and necessity) Application No. 30122
to operate as a common carrier of)
passengers between Stockton, Linden,)
Bellota, Farmington, Escalon and)
Modesto.)

Marquam C. George, for applicant.
Willis M. Kleinenbroich, for Modesto-Riverbank-Oakdale
Stage Line, protestant.
O. E. Muehlberg, for Stockton Terminal & Eastern Rail-
road, protestant.
J. V. Fuzere, for Calaveras Transit Company, protestant.
E. C. King, for Santa Fe Transportation Co., in support
of the application.

. O P I N I O N

Applicant Angelo Bonzi, an individual doing business as Service Bus Line, requests a certificate of public convenience and necessity authorizing the transportation of passengers and baggage, and of shipments of express weighing not in excess of 100 pounds each, between Stockton, Linden, Bellota, Farmington and Escalon, and between Modesto, Escalon, Farmington, Bellota and Linden, and all points intermediate thereto.

The granting of the application was protested by Modesto-Riverbank-Oakdale Stage Line, Stockton Terminal & Eastern Railroad and the Calaveras Transit Company. The Santa Fe Transportation Company originally entered its appearance as a protestant, but subsequently changed its position and supported the application.

The application was submitted at a public hearing held in Stockton before Examiner Gregory on June 8, 1949.

Applicant has had ten years of experience in the freight transportation business, having been employed as driver and dispatcher for Valley Express Company and Lillie Transportation Company. He proposes to operate three round trip schedules per day, seven days a week. Two Twin Coach 32-passenger buses would be used. According to applicant, one bus is all that would be required to maintain the schedules. The other would be used in the event of breakdown or should the morning and evening rush hours warrant the use of both buses. Applicant proposes to do his own driving and minor repair work; however, a relief driver would be available. Terminal facilities for passengers and freight have been arranged at each of the points to be served. No local service is proposed within the city limits of Stockton and Modesto and no through passengers will be carried between those points.

The proposed tariff names specific cash fares between designated points along the route and also provides for fares to and from unnamed points intermediate thereto based on 5 cents for every two miles, with a 15 cent minimum for any distance up to six miles. Express would be carried from, to and between all points at rates based upon 50 cents for the first 20 pounds and 10 cents for each additional 20 pounds up to 100 pounds. No joint rates on freight are contemplated with any other carrier; however, applicant has commenced negotiations with Santa Fe on joint fares for bus passengers.

Applicant estimates a daily expense of \$36.90 based upon 246 miles of operation and revenue of 19 cents per mile. His financial statement, as of January 31, 1949, shows assets valued at \$18,072.90, while his liabilities consist of a personal loan of \$4,000 and a bank loan of \$370.

Residents of Escalon and other communities along the route testified to their need for and the desirability of the proposed service. At present there is no bus service between Escalon and Stockton or Modesto, except by a circuitous route through Manteca. At times, passengers have been compelled to wait about an hour at Manteca before they could transfer to a Stockton bus. Three of the seventeen public witnesses stated that while they would not be interested in the proposed passenger service the express service would benefit their business operations.

The Calaveras Transit Company operates one round trip service per day from Stockton to Bellota. This service leaves Bellota at 9:55 a.m. and arrives at Stockton at 10:30 a.m. It leaves Stockton at 2 p.m. and arrives at Bellota at 2:30 p.m.

Applicant's proposed route would duplicate a portion of the route presently operated by the Modesto-Riverbank-Oakdale Stage Line for approximately seven miles between Modesto and the Stoddard School north of Modesto. If applicant's service were authorized, this protestant contends it would possibly lose up to twenty passengers per day in each direction between those points.

The record discloses a need for a less circuitous and more convenient transportation service in the area covered by this application. The single round trip operation between Bellota and Stockton by Calaveras Transit Company fails to meet the requirements of students who attend school in Stockton. It is also inconvenient for housewives and others who wish more time in Stockton to do their shopping or transact their business.

The duplication of the short segment of the route of

Modesto-Riverbank-Oakdale Stage Line, when viewed in the light of the overall need shown to exist for applicant's service, does not appear to be of such a serious nature as to warrant imposing a restriction at this time on the certificate to be granted herein.

We conclude from the evidence of record that public convenience and necessity require the establishment and operation of the proposed service. The application will be granted, subject to restrictions against local service within the Cities of Stockton and Modesto and through passenger service between those points.

Angelo Bonzi is hereby placed upon 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, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

A public hearing having been held in the above entitled matter, evidence having been received, the Commission being fully advised and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Angelo Bonzi authorizing the

establishment and operation of service as a passenger street corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles only, between Stockton, Linden, Bellota, Farmington, Escalon and intermediate points and between Modesto, Escalon, Farmington, Bellota, Linden and intermediate points; subject, however, to the following limitations:

- a. Local service shall not be performed within the city limits of either Stockton or Modesto.
- b. Applicant shall not render a through service for passengers between Stockton and Modesto.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days after the effective date hereof.
- b. Within 60 days after the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Orders Nos. 79 and 80, and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.

Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations over the following route:

beginning at the corner of California and Minor streets in the City of Stockton, along Minor Street to U. S. Highway 99 (otherwise known as Highway 8, thence along U. S. Highway 99 to Bellota, thence along State Highway 8 to Linden, thence along unnumbered county road to Escalon and Modesto, thence along "K" Street in the City of Modesto to the same route.

CORRECTION

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**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles only, between Stockton, Linden, Bellota, Farmington, Escalon and intermediate points and between Modesto, Escalon, Farmington, Bellota, Linden and intermediate points; subject, however, to the following limitations:

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- c. Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations over the following route:

Commencing at the corner of California and Miner Streets in the City of Stockton, along Miner Street to U. S. Highway 99 (otherwise known as Wilson Way), thence along U. S. Highway 99 to State Highway 8, via State Highway 8 to Linden and Bellota, thence along unnumbered county road to Farmington, Escalon and Modesto, thence along Tenth Street to "K" Street in the City of Modesto and return via the same route.

The effective date of this order shall be 20 days after the date hereof.

Dated at San Francisco, California, this 19th day of July, 1949.

R. E. Anderson
Justice F. Calver
Christ. K. Kell.
Harold H. Kell
Kenneth P. Potter
COMMISSIONERS