

ORIGINALDecision No. 60415

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Sophie W. Jakobsen, as Executrix of the
Will of V. Fred Jakobsen, deceased, doing
business as TRANS-BAY MOTOR EXPRESS CO.,
for an extension and enlargement of certi-
ficate of public convenience and necessity
as a highway common carrier.

Application No. 41910

Scott Elder, for applicant.O P I N I O N

By this application, as amended, Sophie W. Jakobsen, doing business as Trans-Bay Motor Express Co., requests authority to extend and enlarge her highway common carrier operating rights in order to transport general commodities, with certain exceptions and limitations hereinafter mentioned, between various cities in the San Francisco Bay region, and points in the San Joaquin Valley, the Santa Rosa and Salinas areas. In addition, an in lieu certificate is sought in order to redescribe all operating rights in a single order. A public hearing on this application was held before Examiner James F. Mastoris at San Francisco on May 10, 1960, at which time evidence was presented by the applicant and the matter submitted.

Present Operating Authority

Under the present operating rights this carrier possesses authority permitting general commodity carriage subject to the following exclusions:

- (1) Commodities requiring the use of special refrigeration or temperature control in specially constructed equipment.
- (2) Dangerous explosives.
- (3) Property transported after sale by retail department or specialty stores to their customers.
- (4) Parcels or packages weighing in excess of 200 pounds each.
- (5) Shipments, including any split pickup or split delivery shipment, to which is applicable a rate subject to a minimum weight exceeding 20,000 pounds.

This transportation is performed between points in the San Francisco Bay region and Santa Rosa, San Jose, Sacramento and Stockton, and intermediate points, over U. S. Highways 101, 101A, 40 and 50 as well as certain state highways. In addition the applicant holds permits as a highway contract carrier and as a city carrier.

Shipper Evidence in Support of Application

The applicant produced eleven shipper witnesses who testified, in substance, that they have shipments of packages, of the size and weight specially handled by this carrier, destined to points in the proposed territory as well as to cities within the present certificate. In view of the recent growth and economic development of the cities proposed to be served it is claimed that public demand for expanded service has increased. This carrier alleges that extended highway common carrier authority is needed in order to accommodate this demand. Said witnesses declared that they will have future need for the specialized small lot service offered, that they desire the present service, with its current frequency and schedules, to continue in the future without the present

territorial limitations and that split delivery rate benefits, that will be afforded in the event the extension applied for is granted, will provide advantages to their expanding businesses. It is alleged that the present inability of the applicant to serve throughout the proposed territory results in unnecessary expense and inconvenience to her customers.

Protests

There was no opposition to this application.

Findings and Conclusions

Evidence of the public need for this enlarged certificate has been established. The Commission, therefore, is of the opinion and finds that public convenience and necessity require that the application be granted. We find and conclude that there is a present and prospective need for the proposed expansion, and that the applicant possesses the experience and equipment to extend her certificate and maintain the operations to be authorized.

We further find that the applicant possesses the financial ability to support the proposed service and the resources to acquire such additional equipment as may be required to conduct such operations. Her terminal facilities and personnel are adequate and suitable for the purposes intended in this application.

In consonance with the foregoing, a certificate will be granted to the applicant in the order of this decision, attached to which will be Appendix A, in loose-leaf form, categorically setting forth all the points and routes of operations together with all of the rights and limitations applicable thereto. All presently existing certificates of public convenience and necessity or other operative rights held by the applicant will be revoked and annulled.

Said Appendix A, therefore, as set forth in the following order, will encompass the entire certificate of Sophie W. Jakobsen.

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

Application having been filed, a public hearing having been held, and based upon the above findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Sophie W. Jakobsen authorizing the establishment and operation of service as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes set forth in Appendix A, attached hereto, and made a part hereof, and subject to the conditions and restrictions of said Appendix A. Operating rights presently described in Sophie W. Jakobsen's current Appendix A as established and set forth in the following decisions are hereby revoked and annulled, said revocation and annulment to become effective concurrently with the effective date of the tariff

filings required by paragraph 2(b) hereof:

<u>Decision Number</u>	<u>Application Number</u>
27975	19893
29291	19893
31863	22497
31972	22709
33867	23980
37433	26363
41163	28456
50677	34969
52033	34969 and 36086
52597	34969
53007	34969
54447	34969
55448	34969
55639	34969

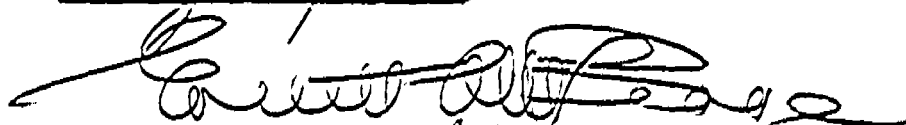


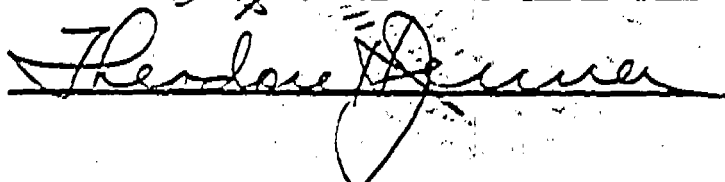
(2) That, in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 99 and 100-A, may result in a cancellation of the operating authority granted by this decision.
- (b) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall

establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California,
this 12th day of July, 1960.


President



Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

A. Sophie W. Jakobsen, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places, and over the routes specified, subject to the limitations set forth in paragraph B, as follows:

1. Between San Francisco and Oakland, Berkeley, Albany, El Cerrito, San Leandro, Piedmont, Alameda, and Emeryville.
2. From San Francisco, South San Francisco, Oakland, Alameda, San Leandro, Emeryville, Berkeley, Albany, El Cerrito, and Richmond to:
 - (a) Points and places on U. S. Highway 101 between San Francisco and Santa Rosa, including Santa Rosa;
 - (b) Points and places on U. S. Highways 101 and 101-A between San Francisco and San Jose, including San Jose; and points and places on State Highway 17 between Oakland and Los Gatos, including Los Gatos; also points and places on State Highway 9 between Hayward and Moffett Field via Mission San Jose and Milpitas;
 - (c) Points and places on U. S. Highway 40 between San Francisco and Sacramento, including Sacramento, and on State Highway 29 between its junction with U. S. Highway 40 and Napa, including Napa;
 - (d) Points and places on U. S. Highway 50 between San Francisco and Stockton, including Stockton; points and places on State Highway 4 between its junction with U. S. Highway 40 near Pinole and Stockton; and points and places on the unnumbered county road between Martinez and the junction of said road with State Highway 4 between Port Chicago and Pittsburg;

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- (e) Points and places on State Highway 24 between Oakland and Pittsburg; and points and places on State Highway 21 between Martinez and Mission San Jose; and also, to points and places within five miles of said highways and points and places within a five-mile radius of said terminal cities hereinabove named;
3. From San Francisco, South San Francisco, Oakland, Alameda, San Leandro, Emeryville, Berkeley, Albany, El Cerrito, Richmond, San Jose, Los Gatos and points on U. S. Highway 101 between San Jose and South San Francisco to
- (a) Salinas and points on U. S. Highway 101 intermediate between San Jose and Salinas;
 - (b) Santa Cruz, Watsonville, Castroville and points on State Highways 17 and 1 between Los Gatos and Salinas;
 - (c) Yountville and points on State Highway 29 between Napa and Yountville;
 - (d) Sonoma, Sebastopol and Graton and points on State Highway 12 between Napa and Graton;
 - (e) Roseville and points on U. S. Highway 40 between Roseville and Sacramento; Folsom and points on U. S. Highway 50 between its junction with the unnumbered road near Folsom and Sacramento, and Woodland and points on State Highway 16 between Woodland and Sacramento and points on State Highway 24 between Sacramento and Antioch; also points on U. S. Highway 99 between Sacramento and Stockton;
 - (f) Fresno and points on U. S. Highway 99 between Fresno and the junction of U. S. Highway 99 with State Highway 120 near Manteca; Mendota and points on U. S. Highway 33 between its junction with U. S. Highway 50 near Tracy and its junction with U. S. Highway 180 near Mendota;

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With authority to operate also over all points on U. S. Highway 180 between Kerman and Fresno, U. S. Highway 152 between Chowchilla and Watsonville, U. S. Highway 132 between Modesto and Vernalis and U. S. Highway 99W between Woodland and its junction with U. S. Highway 40 near Davis.

4. From San Jose, Los Gatos, and points on U. S. Highway 101 between San Jose and South San Francisco to San Francisco, South San Francisco, Oakland, Alameda, San Leandro, Emeryville, Berkeley, Albany, El Cerrito, Richmond, and all other points served under such certificate.

Engaging also in the return transportation of parcels, packages, and pieces previously delivered by applicant.

B. Sophie W. Jakobsen shall not transport any shipments of:

1. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
2. Dangerous explosives.
3. Merchandise after sale by retail department or specialty stores to their customers.
4. Parcels or packages which weigh in excess of 200 pounds, nor shall applicant accept or transport any shipment, including any split pickup and any split delivery shipment, to which is applicable a rate subject to a minimum weight exceeding 20,000 pounds.

End of Appendix A

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