

**ORIGINAL**Decision No. 60503

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 MELVIN D. ALDERS, THOMAS R. MINER, )  
 HAROLD D. KENNEDY AND JOSEPH BONDI, )  
 a co-partnership, doing business as )  
 BAY CITIES EXPRESS CO., for a certi- )  
 ficate of public convenience and )  
 necessity to operate as a highway )  
 common carrier for the transporta- )  
 tion of general commodities between )  
 Richmond, San Francisco, Salinas, )  
 and other points, as an extension )  
 of its presently existing certifi- )  
 cated rights. )

Application No. 41819

George and Dillon, by Marquam C. George, for  
 applicant.

O P I N I O N

Melvin D. Alders, Thomas R. Miner, Harold D. Kennedy and Joseph Bondi, a co-partnership, doing business as Bay Cities Express Co., and hereafter termed applicants, are operating under permitted authority as a radial highway common carrier and a highway contract carrier. The applicants also operate as a highway common carrier under a certificate of public convenience and necessity granted by Decision No. 54490 in Application No. 36227, which was transferred to applicants by Decision No. 57511 in Application No. 40259, said Decision being dated October 21, 1958. Their present certificate authorizes the transport of special commodities from San Francisco to San Jose and San Francisco to Los Gatos, Los Altos, Campbell, Cupertino, Watsonville, Seaside, Monterey and Santa Cruz.

Applicants now request a certificate of public convenience and necessity pursuant to Section 1063 of the Public Utilities Code, as an extension of their existing certificate, to authorize the transportation of general commodities over, to, and between all

points and routes specified in Appendix "A" hereto which is by this reference made a part hereof.

Public hearings were held before Examiner Edward G. Fraser, on February 11, 1960, in San Francisco, on May 16, 1960, in Salinas, and on May 17, 1960, in San Jose. No one appeared in protest to the authority requested.

The evidence shows considerable industrial growth in the areas to which applicants have requested authority to extend. The applicants have customers who desire service into this extended area, and likewise they desire split pickups and split deliveries to be made therein.

Twenty-nine shipper witnesses testified they prefer the service offered by the applicant and that it would be beneficial to their respective companies to have applicant provide service to the additional areas applicant has requested authorization to serve.

The evidence further discloses that applicants are able to supply the extended service, that they have adequate equipment, have the necessary experience, and are financially sound.

Upon consideration of all of the evidence adduced herein, we find that public convenience and necessity require that the application be granted in the manner set forth in the ensuing order which will provide for an extension of the certificated zone presently served by the applicants and an in lieu certificate and will authorize the transport of general commodities.

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

A public hearing having been held, and based upon the evidence adduced therein and the application and representations filed herein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Melvin D. Alders, Thomas R. Miner, Harold D. Kennedy and Joseph Bondi, authorizing them to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points as more particularly set forth in Appendix A attached hereto and made a part hereof.

2. That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following 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.

3. That the operating authorities granted by Decisions Nos. 54490 and 57511 are hereby cancelled, said cancellation to become 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 2nd day of August, 1960.

*Willis W. Pease*  
President

*John J. ...*

*Michael ...*

*C. ...*

*Theodore ...*  
Commissioners

Appendix A

MELVIN D. ALDERS, THOMAS R. MINER,  
HAROLD D. KENNEDY and JOSEPH BONDI,  
Doing Business as  
BAY CITIES EXPRESS CO.

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Melvin D. Alders, Thomas R. Miner, Harold D. Kennedy and Joseph Bondi, by certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities between all points on and within three miles of the following routes:

## A. General Commodities

- (a) Between Richmond and San Jose and all points intermediate and between intermediate points via U. S. Highway 40, State Highways 9 and 17, and including the off-route point of Newark.
- (b) Between Richmond and San Jose and all points intermediate and between intermediate points via U. S. Highway 40, San Francisco-Oakland Bay Bridge, U. S. Highways 101 and 101-Bypass, including Los Altos.
- (c) Between San Jose and Salinas and all points intermediate and between intermediate points via U. S. Highway 101.
- (d) Between Gilroy and Hollister and all points intermediate and between intermediate points via State Highway 25.
- (e) Between Hollister and the junction of U. S. Highway 101 and State Highway 156 via State Highway 156.
- (f) Between San Jose and Santa Cruz and all points intermediate and between intermediate points via State Highway 17.

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- (g) Between Santa Cruz and Carmel and all points intermediate and between intermediate points via State Highway 1 and including the off-route points of Soquel, Aptos, Freedom, Capitola, Moss Landing, Seaside and Pacific Grove.
- (h) Between Sunnyvale and Santa Cruz and all points intermediate thereto and between intermediate points via State Highway 9.
- (i) Between Saratoga and Los Gatos via unnumbered county road.
- (j) Between Santa Clara and Campbell.
- (k) San Francisco and San Jose and intermediate points via U. S. Highways 101 and 101-Bypass.
- (l) San Francisco, on the one hand, and Los Gatos, Los Altos, Campbell, Cupertino, Watsonville, Seaside, Monterey and Santa Cruz, on the other hand.

Applicant 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 paragraph (d) of Item No. 10-C, Minimum Rate Tariff No. 4-A.
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, bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.

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5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquid in bulk, in tank trucks, tank trailers, tank semi-trailers 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.

(End of Appendix A)

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