

ORIGINALDecision No. 60991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ARMANDO J. BARNI, GEORGE R. LEINO)
 and RICHARD F. MYERS, copartners,)
 doing business as BONDED DRAYING)
 SERVICE, for a certificate of pub-)
 lic convenience and necessity to)
 extend highway common carrier)
 service.)

Application No. 42536

Bertram S. Silver, for the applicants.O P I N I O N

Armando J. Barni, George R. Leino and Richard F. Myers, copartners doing business as Bonded Draying Service, are now operating under permitted authority as a radial highway common carrier, a highway contract carrier, a city carrier and a household goods carrier. The applicants also operate as a highway common carrier under certificates of public convenience and necessity, granted by Decisions Nos. 41125, 41933 and 50084, which authorizes the transportation of freight between San Francisco and certain East Bay points, on the one hand, and Travis Air Force Base, on the other hand.

Applicants request a certificate of public convenience and necessity pursuant to Section 1063 of the Public Utilities Code, in lieu of, and as an extension of, the applicants' existing certificate, authorizing the applicants to perform transportation of general commodities with the usual exceptions, from, to and between all points specified in Appendix A hereto attached which is by this reference made a part hereof.

A public hearing was held before Examiner Edward G. Fraser, on September 13, 1960, at San Francisco, California. No one appeared in protest to the authority requested.

The evidence shows that there has been considerable recent industrial growth in the areas to which an extension now is requested. The applicants have customers who desire service into this extended area, and likewise they desire split pickups and split deliveries to be made therein.

The shipper witnesses who testified indicated that it would be beneficial to their respective companies to have the applicants provide this additional service.

The evidence further discloses that the applicants are able to supply the extended service. The applicants have adequate equipment, have had 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 in lieu certificate combining all of applicants' operating authority.

Applicants are 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 an in lieu certificate of public convenience and necessity is granted to Armando J. Barni, George R. Leino and Richard F. Myers, copartners doing business as Bonded Draying Service, 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 and along the routes as more particularly set forth in Appendix A hereto.

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, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they 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 to 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. 41125, 41933 and 50084 are hereby canceled, 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 Los Angeles, California, this 1st day of November, 1960.

Gerrit R. Pease
President

W. L. Brink

Mark R. ...

E. ...

Theodore J. ...
Commissioners

Armando J. Barni, George R. Leino and Richard F. Myers, 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 along and within 15 miles of the highways hereinafter designated:

- (a) All points and places within the San Francisco Territory as defined in Appendix B attached hereto.
- (b) U. S. Highway 40 between San Francisco and Sacramento, inclusive.
- (c) U. S. Highway 50 between San Francisco and Sacramento, inclusive.
- (d) U. S. Highway 101 between San Jose and Salinas, inclusive.
- (e) State Highway 1 between San Francisco and Carmel, inclusive.
- (f) Unnumbered highway between Salinas and Pacific Grove, inclusive.

Through routes and rates may be established between any and all points specified in subparagraphs (a) through (f) above.

Applicant shall not transport any shipments of:

1. 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.

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2. 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.
3. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
4. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
6. Logs.
7. Commodities requiring special equipment and handling because of unusual size, weight or shape.
8. Articles of extraordinary value as set forth in Rule No. 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

Issued by California Public Utilities Commission.

Decision No. 60991, Application No. 42536.

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 boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 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 2 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 E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; north-easterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and 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; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestly along the highway extending from 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 shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.