

Decision No. 51090**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 AIRPORT DRAYAGE COMPANY, a California)
 corporation, for a Certificate of) Application No. 42579
 Public Convenience and Necessity)
 authorizing operation as a Highway)
 Common Carrier.)

Tom B. Markley, for applicant.O P I N I O N

Airport Drayage Company, which presently holds permits issued by this Commission and Interstate Commerce Commission common carrier by motor vehicle operative rights in and beyond the requested area, now seeks authority as a highway common carrier between San Pablo and San Francisco and San Jose, Campbell and Milpitas and intermediate points on either side of the bay. This application was filed August 17, 1960.

After notice to competitors, a public hearing was held in San Francisco on October 18, 1960, before Examiner Rowe. No one appeared in protest.

Operative witnesses as well as public witnesses appeared and gave testimony which amply supports the contentions of applicant. From evidence of record, the Commission finds that public convenience and necessity require that applicant be granted the operative rights substantially as requested and as set forth in the following order.

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 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 findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Airport Drayage Company, a corporation, authorizing it 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 over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

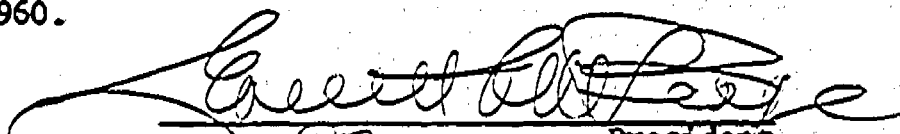
2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (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.

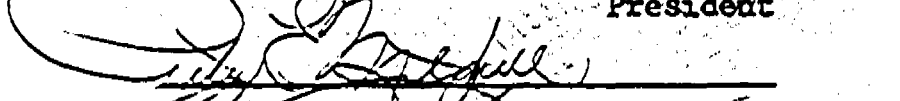
(b) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.


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

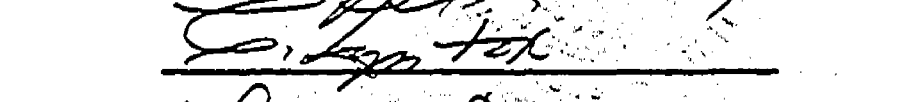
Dated at San Francisco, California, this 22nd day of NOVEMBER, 1960.

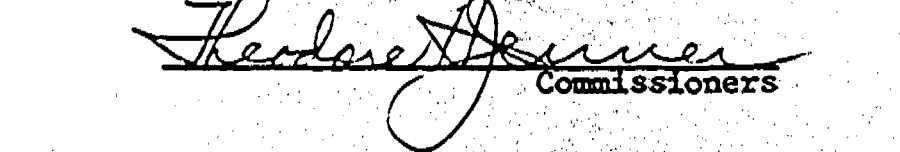


 President









 Commissioners

Airport Drayage Company, 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 on or within five miles laterally of the following highways:

- (1) U. S. Highways 40 and Business 40 between San Pablo and San Francisco, inclusive.
- (2) U. S. Highways 101 and 101 Alternate between San Francisco and San Jose, inclusive.
- (3) State Highway 1 between San Francisco and Pacifica, inclusive.
- (4) State Highway 5 between San Francisco and San Bruno, inclusive.
- (5) U. S. Highway 50 between San Francisco and Hayward, inclusive.
- (6) State Highway 17 between Richmond and Campbell, inclusive.
- (7) State Highway 9 between Castro Valley and junction with Prospect Road south of Cupertino, inclusive.
- (8) Unnumbered highway known as Stevens Creek Road between San Jose and Permanente (Kaiser Aluminum and Chemical Corporation), inclusive.
- (9) Unnumbered highways known as Prospect Road and Campbell Avenue between junction with State Highway 9 south of Cupertino and Campbell, inclusive.
- (10) Unnumbered highways known as San Antonio Avenue, Fremont Avenue, Grant Road, Mtn. View-Stevens Creek Road and Stevens Creek Road between Los Altos and Permanente (Kaiser Aluminum and Chemical Corporation), inclusive.

Applicant may serve between any two points named in this appendix whether named in one or more than one of the numbered paragraphs above.

Issued by California Public Utilities Commission.

Decision No. 51000, Application No. 42579.

Applicant may make use of any and all streets, roads, highways and bridges in performing the service herein authorized.

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 of 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 and 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.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers 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.
9. Fresh fruit and vegetables.

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