

Decision No. 25283.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Lyon Van Lines, Inc., a corporation,)
for an order of the Railroad Commission)
of the State of California, authorizing)
the consolidation of all properties,)
business and operating rights referred to)
in this application, by the issuance of)
an in lieu certificate, permitting future)
operation as one unified system.)

Application
No. 18327

Chester A. Nelson, for Applicant.

ORIGINAL

HARRIS, COMMISSIONER:

O P I N I O N

Lyon Van Lines, Inc. operating transportation service for household goods, office and store furniture, fixtures and equipment, personal effects and musical instruments between Los Angeles, San Francisco and intermediates and to other points in California, has made application herein to consolidate and unify its rights and for a certificate of public convenience and necessity for such consolidated and unified rights in lieu of its existing rights. No enlargement of rights is sought, the request being based on need of applicant for a more simple and economical operation and the establishment of through routes and rates.

A public hearing was held at Los Angeles at which no protestant appeared. The matter was duly submitted.

Applicant's operations are conducted under six certificates granted between 1922 and 1931. They provide for transportation of the commodities named between San Francisco and Los Angeles, via Coast Route and San Joaquin Valley route, between San Francisco and Santa Rosa, San Francisco and Sacramento via Vallejo or Tracy, San Francisco and San Jose, Bakersfield and Santa Maria and Paso Robles, Paso Robles and Visalia subject to certain lateral rights and

restrictions. There is also an operation limited to the transportation of pianos and musical instruments between Los Angeles and Los Angeles Harbor.

Applicant proposes by his Exhibit "A", filed by permission granted at the hearing, to establish through rates to and from all points served, which rates, Mr. Nelson testified are no higher and, in the main, lower than the rates charged by combination of local rates now on file. This appears to be in ^{the} public interest.

Operations between Los Angeles and Los Angeles Harbor are not included in this rate structure, and through service to and from Los Angeles Harbor is not proposed.

By Exhibit "B", also filed by permission at the hearing, applicant filed a time schedule "on call" only but accompanied by a table indicating the hours approximately required in which to complete transportation between selected points.

Upon the record presented I find as a fact that public convenience and necessity require the consolidation and unification of applicant's instant rights, the granting of an in lieu certificate, the approval of the revised rates and service as shown in Exhibits "A" and "B".

Lyon Van Lines, Inc. is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. 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.

I propose the following form of order:

O R D E R

Lyon Van Lines, Inc. having made application to consolidate its operating rights as heretofore granted by Decisions Nos. 10063 and 10904 on Application No. 7376; Decisions Nos. 11291 and 11446 on Application No. 7565; Decisions Nos. 15085 and 15560 on Application No. 10208; Decision No. 18776 on Application No. 12667; Decision No. 20577 on Application No. 15019 and Decision No. 23550 on Application No. 17259; and for a certificate of public convenience and necessity de novo in lieu of such operating rights, merging and uniting same into a single operating system, to establish through service between termini and all intermediate points and to establish rates as shown in Exhibit "A", a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the granting of the application as prayed for ^{for} the transportation of household goods, office and store furniture, fixtures and equipment, personal effects, including baggage and trunks, musical instruments, subject to the restrictions and limitations set forth hereafter; and

IT IS HEREBY ORDERED that a certificate de novo therefor, consolidating, merging and unifying said operating rights, each with the other, in lieu of all prior rights or grants, be granted applicant Lyon Van Lines, Inc. and with the right of through service between termini and all intermediate points, subject to all the restrictions and limitations thereon, except as to through service, as provided in said decisions enumerated in this order and for the establishment of rates therefor as provided in Exhibit "A" filed by applicant, which operating rights so unified, limited and restricted are as follows:

(A) Between San Francisco and Los Angeles via the San Joaquin Valley route serving as intermediate points, Oakland,

Hayward, Livermore, Tracy, Manteca, Modesto, Turlock, Livingston, Atwater, Merced, Athlone, Chowchilla, Modesto, Herndon, Fresno, Fowler, Selma, Kingsburg, Traver, Goshen Junction, Tulare, Tipton, Pixley, Delano, McFarland, Famosa, Bakersfield, Lebec, Saugus, Newhall, San Fernando and all points intermediate between Los Angeles and Bakersfield, and all territory within twenty-five miles of the main highway passing through the above mentioned communities, except between Los Angeles and Bakersfield where all territory five miles on either side may be served, subject to the restriction that no authority is granted to handle business locally as between communities situated in the territory between San Francisco and Manteca; and subject to the further restriction that no shipments will be handled between Los Angeles and points north of Bakersfield to and including Fresno excepting that such shipments consist of used household furniture (which shall include pianos and musical instruments) which are shipped from owner to owner, are not intended for sale or trade, and when such shipments are not crated, boxed or wrapped. The origin and destination of shipments covered by this stipulation to be at residences only or to or from residences with the point of origin or destination as a warehouse or storage point in which shipments have been or are to be stored.

(B) Between San Francisco and Los Angeles via Coast Route, serving all intermediates but not authorized to conduct through service between termini of Los Angeles and San Francisco and five miles on either side of the main highway traversed; no local service to be rendered between San Miguel and Orcutt, and intermediate points, or laterally.

(C) Between Bakersfield and San Luis Obispo and intermediate points, between Bakersfield and Paso Robles, via Lost Hills and intermediate points; between Visalia and Paso Robles and intermediate points via Cholame, and for a distance of twenty-five miles on either side of the main highway on each of the three routes.

(D) Between Los Angeles and Los Angeles Harbor, via Truck Boulevard, for the transportation of pianos and other musical instruments only.

(E) Between San Francisco, Oakland and Sacramento and all intermediate points via Vallejo; between San Francisco, Oakland and Sacramento and all intermediate points via Tracy, Stockton and Lodi; between San Francisco, Santa Rosa and intermediate points, via Sausalito, San Rafael and Petaluma; between San Francisco and San Jose via San Mateo and Palo Alto and intermediate points; between Vallejo and Santa Rosa via Napa, Sonoma, El Verano, Boyes, Fetters, Glen Ellen and Kenwood provided no local service is rendered from, to or between termini or intermediate or lateral points; and twenty-five miles on either side of the main highway traversed on each of the above routes, and subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.

2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.

3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from date hereof, on not less than five (5) days' notice to the Commission and the public, time schedules, according to form provided in General Order No. 83, covering the service herein authorized, in a form satisfactory to the Railroad Commission.

4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that Decisions Nos. 10063 and 10904 on Application No. 7376; Decisions Nos. 11291 and 11446 on Application No. 7565; Decisions Nos. 15085 and 15560 on Application No. 10208; Decision No. 18776 on Application No. 12667; Decision No. 20577 on Application No. 15019 and Decision No. 23550 on Application No. 17259 be and the same hereby are revoked and annulled.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 24th day of October 1932.

C. J. Leary
Leon C. Sweeney
W. A. Carr
W. B. Harris
Fred G. Stephens
COMMISSIONERS.