

Decision No. 22588

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LYON VAN LINES,)
INC., for a certificate of public convenience and)
necessity to operate as a highway common carrier in)
the transportation of household goods and like com-)
modities over the following routes, alternate to ex-)
isting certificated routes, between Long Beach and)
Montalvo via U. S. Highways #101, #101a, between Los)
Angeles and Montalvo via U. S. Highways #101, 101a)
and State Highway #126, between Los Angeles and San)
Bernardino via U. S. Highway #66, between Long Beach)
and San Clemente via Highway #101a, between Visalia)
and Famosa via State Highways #65 and #198, between)
Gilroy and Califa via State Highway #152; and as an)
enlargement and extension of its existing operative)
rights, between Los Angeles and the Arizona-California)
Line via U. S. Highways #60, #80 and #99 and between)
Sacramento and the Oregon-California Line via U. S.)
Highways #99, #99e and #99w and intermediate points and)
for removal of certain restrictions on existing certi-)
ficates and for authority to publish a consolidated)
tariff and through rates for a certificate de novo in)
lieu of all other certificates of applicant.)

ORIGINAL

Application
No. 22588

- C. P. VON HERZEN, for Lyon Van Lines, Inc. applicant in Application No. 22588
- C. HAROLD SEXSMITH, for Lyon Van Lines, Inc., and Lyon Van and Storage Company, in support of Application No. 22588
- JACKSON W. KENDALL, for Bekins Van Lines, Inc., Bekins Van and Storage Company, and Bekins Van and Storage Inc., in support of Application No. 22480
- DANIEL P. BRYANT, for Bekins Van Lines, Inc., applicant in Application No. 22480.
- E. L. H. BISSINGER, for Pacific Electric Railway, Southern Pacific Company, and Pacific Motor Trucking Company, protestants.
- E. J. BISCHOFF and W. W. McMULLIN, for Southern California Freight Lines and Southern California Freight Forwarders, protestants.
- WALLACE K. DOWNEY, for Pacific Freight Lines and Keystone Express System, protestants.
- PHIL JACOBSON, for Western Truck Lines, Ltd., Protestant
- ELLIS BROWN, for Triangle Transfer and Storage Company, protestant
- PERCIE C. TRACKER, for Pioneer Truck and Transfer Company, in support of Application No. 22480

V. C. COLLIER, in support of Application No. 22480

ROBERT B. GNAGERY, for Red Bluff Chamber of Commerce

DON HEMSTED, for Hemsted Van Lines, in support of Application No. 22480

BY THE COMMISSION:

O P I N I O N

Applicant, Lyon Van Lines, Inc., is a highway common carrier of household goods and personal effects over certain highways in the State of California, pursuant to authority granted by the Commission. Applicant's present operative rights in some areas are restricted as to loads and service, and the lateral rights granted on each side of the highways traversed are not uniform, in some instances being twenty-five miles and in others five miles. Authority is sought in this application to conduct a service over certain alternate routes within the areas now being served; ⁽¹⁾ to extend applicant's present operative rights over new highways; ⁽²⁾ to unify lateral operative rights to twenty-five miles in all instances; to remove the load

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- (1) Route No. 1 - Between Long Beach and Montalvo via Highways U.S. #101 and alternate #101.
Route No. 2 - Between Los Angeles and Montalvo via Highways U.S. #101, alternate #101 and Highway State Route #126.
Route No. 3 - Between Los Angeles and San Bernardino via Highway U.S. #66.
Route No. 4 - Between Long Beach and San Clemente via Highway U.S. alternate #101.
Route No. 5 - Between Visalia and Famoso via Highway State Routes #65 and #198.
Route No. 6 - Between Gilroy and Califa via Highway State Route #152.

All points on said routes are now served by applicant, except approximately 25 miles of Route No. 6 between Los Banos and Hollister.

- (2) Route No. 7 - Between Los Angeles and the California-Arizona Line via Highways U.S. #60, #80, and #99.
Route No. 8 - Between Sacramento and the California-Oregon Line via Highways U.S. #99, #99E and #99W.
Route No. 9 - That portion of Route No. 6 of approximately 25 miles in length, between Hollister and Los Banos, which is not now included within the territorial operative rights of applicant.

and service restrictions; (3) and for a certificate de novo in lieu of all other certificates of applicant.

Public hearings were held at Indio and Red Bluff before Examiner Cameron. The matter was duly submitted and subsequently an Examiner's Proposed Report was issued. Exceptions to the proposed report were filed and request made for further hearing, (4) whereupon the Commission issued an order February 13, 1940, setting aside submission and reopened the matter for further hearing at Los Angeles on March 5, 1940, before Examiner Malquist. On the latter date the matter was duly submitted and is now ready for decision.

In a number of respects this order is at variance with the conclusions and findings recommended by the Examiner's Proposed Report. The proposed findings will be outlined, the exceptions taken will then be discussed, and explanations given wherein our conclusions differ.

Upon stipulation at the hearing it was ordered that this application be consolidated with the hearing on Application No. 22480 of Bekins Van Lines, Inc., for the purpose of receiving testimony. The latter application will be disposed of in a separate decision.

Applicant's operations are conducted pursuant to certificates granted by the Commission in six decisions rendered between 1922 and 1931. (5) These orders were consolidated and an in lieu certificate issued October 24, 1932, in Decision No. 25283. In addition to these rights applicant secured the operative rights of the City Transfer and Storage Company of Long Beach, the transfer being author-

(3) Decisions Nos. 25283 and 31217.

(4) Exceptions to Examiner's Proposed Report filed by Southern California Freight Lines, protested that hearings were only held in Indio and Red Bluff and requested that a hearing be set for either Los Angeles or San Diego. Triangle Transfer and Storage Company requested an opportunity to appear and be heard, stating that they had not received notice of the previous hearings in this matter.

(5) Decisions Nos. 10063, 11291, 15085, 18776, 20577, and 23550.

ized by the Commission in Decision No. 31217, dated August 22, 1938. Copies of applicant's Articles of Incorporation, together with annual financial statement of 1938, are on file with the Commission and have been incorporated in the record in this proceeding. These records, together with the list of equipment, ⁽⁶⁾ show that applicant is qualified to render the proposed service.

The record discloses that the service now rendered by applicant, together with the proposed service, namely, the transportation of household goods and personal effects, is a specialized transportation service requiring persons especially trained in the handling of uncrated furniture and household goods. It also requires special trucks and vans properly padded and equipped with pads, dollies, slide boards, and piano covers to properly handle and transport said household goods without damage or injury.

Proposed Service East of Los Angeles and San Diego
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Applicant's proposed service east of Los Angeles and San Diego is via Highways U. S. #60, #80, and #99, serving all points on each route intermediate between Los Angeles and the California-Arizona border and laterally within a distance of twenty-five miles on either side of said highways. This enlargement is sought to be consolidated and unified with the operating rights now held by applicant as one transportation system.

The record discloses that the population in the territory east of Los Angeles has increased considerably since 1930. In Palm Springs, for instance, the increase was 417 per cent, ⁽⁷⁾ Blythe, 117 per cent, Beaumont, 84 per cent, Banning 71 per cent, and Riverside County has increased in population 81 per cent. This increase in population has resulted in the building of many new residences in

(6) Exhibit "A" of application.

(7) Exhibit No. 8.

this territory, and the desert resort areas of Palm Springs, Cathedral City, and Twenty-Nine Palms have shown substantial development in the past few years. The attractive winter climate of these desert resorts has resulted in a seasonal movement of people to and from these areas. In the fall of the year many people move their household goods and personal effects, uncrated, to the desert resorts and in the springtime the movement is outbound from such resort areas, principally to the Los Angeles metropolitan area, with some shipments moving north of Los Angeles to other parts of the state. In order to provide for this seasonal influx, various business organizations, such as oil companies, and chain stores, are required to move their employees to and from these areas.

Beginning with the first week in April, 1939, applicant decided to run a weekly van service from Los Angeles to Riverside, San Bernardino, and beyond, to determine how much business might be developed by a regular schedule. The result of this experiment during the test period shows that the less-than-truckload shipments increased considerably and every indication points to a still greater increase, provided a regular service could be established and additional effort made to secure the business by having the service generally made known to the public.

The record further discloses that the agents of Lyon Van Lines, Inc., situated in various parts of the state have received 181 inquiries for transportation of household goods and personal effects to and from the territory east of Los Angeles and Mecca. Three inquiries were received for transportation service to and from the territory between Mecca and the California-Arizona border, and 14 inquiries to and from the territory in Imperial Valley. (8)

(8) Exhibit No. 13, page 8.

The present operative rights of applicant in this territory extend from Long Beach to Mecca. However, this certificate contains certain restrictions as to loads and service which applicant requests be removed. This request will be given further consideration and disposed of later on in this decision.

Proposed Service North of Sacramento

Applicant's proposed service north of Sacramento is via Highway U. S. #99E by way of Marysville and Highway U. S. #99W by way of Willows, and from the junction of these highways north to the California-Oregon border on Highway U. S. #99, together with lateral rights of twenty-five miles on each side of said highways. This enlargement is sought to be consolidated and unified with the operating rights now held by applicant as one transportation system.

There are no large residential communities in this area at the present time and it is highly improbable that a high load factor can be developed on intrastate traffic except in connection with interstate movements. The possibility of a local household goods carrier securing return tonnage on any long distance move within this territory is highly remote.

The population increase in recent years in this area is to a great extent in proportion to the increase in population in other parts of the state. In certain areas, such as the Redding-Shasta area, as a result of the construction of the Shasta Dam on the Sacramento River, there has been a large influx of workers and the construction of many new dwellings.

Witness Sexsmith, for applicant, testified that he had made a survey shortly prior to May, 1939, covering the cities north of Sacramento, including Yuba City, Gridley, Chico, Redding, Mt. Shasta, Corning, Yreka, and Willows. This survey⁽⁹⁾ was conducted

(9) Exhibit No. 13, pages 6 and 7.

by the witness calling personally upon various local general transportation agencies in this area and discloses that there is a considerable volume of household goods business moving in and out of this territory; that there is need for a regular scheduled service through this area; and that there is need for a service conducted by experienced people with specialized equipment. The witness further testified that Lyon Van Lines, Inc., performs a service through this territory over Highways U. S. #99, #99E, and #99W north of Sacramento in interstate service and that from January 1, 1938, to May 1, 1939, a total of 57 round trips were made between California and the Pacific Northwest, and that numerous intrastate shipments were handled on these trips between Sacramento and the California-Oregon border.

Shipments transported in applicant's interstate operation between points in California and the Pacific Northwest move in both directions in about equal quantities of tonnage, thus producing a high load factor and thereby reducing transportation costs on a per hundred weight basis. However, as a general rule, the equipment is not loaded to capacity and therefore applicant contends that it can offer a regular intrastate service along this route through northern California with little added operating costs.

Alternate Routes

Applicant requests that the following routes be authorized as alternate routes only:

Highway State Routes #65 and #198 by way of Porterville and Visalia from Famoso to the intersection of Highway State Route #198 with Highway U. S. #99;

Between Ventura and Castaic Junction via Highway State Route #126;

Between Gilroy and Califa via Highway State Route #152;

Between San Francisco and San Jose via Highway U. S. By-Pass #101;

Between Riverside and San Diego via Highway U. S. #395; and

Between Long Beach and Serra via Highway U. S. alternate #101.

The record discloses that coincident with the improvement and construction of highways, new territory has been developed and modern dwellings constructed. Applicant contends the proposed alternate routes will permit expedited service to intermediate points along these routes, in the newly developed areas, and will afford economies in operation which will be reflected in lesser operating costs.

Restrictions

Applicant alleges that the provisions and restrictions contained in its present operative rights are somewhat confusing, if not conflicting. The in lieu certificate issued October 24, 1952, by Decision No. 25283, retained the restrictions and limitations contained in the certificates granted by the Commission between 1922 and 1931. In the instances where the restrictions were contained in certificates granted directly to applicant there was no objection raised, because at the time said decisions were issued the restrictions did not appear to be objectionable.

Applicant's operative rights between San Francisco and Los Angeles, via the Coast Route, authorizes it to serve all intermediate points, but restricts applicant from conducting a through service between termini of San Francisco and Los Angeles. Lateral rights of five miles on either side of the main highway were authorized along this route. During the last decade and a half many developments have occurred along the Coast Route, including the construction and improvement of many highways, resulting in the development of districts beyond the five-mile limitation. Applicant alleges that this has created a public demand justifying the unification of lateral rights to a twenty-five mile area on either

side of the highways traversed. Applicant further alleges that public demand for service to intermediate points along this route has increased considerably and the need for consolidating shipments, including through tonnage between termini of San Francisco and Los Angeles, requires that it be authorized to transport through shipments between these termini and along this route.

Other provisions in applicant's present certificates which, from this record, appear to be confusing are as follows:

1. Between San Francisco and Los Angeles, via the San Joaquin Valley route, applicant is restricted from handling any business locally between communities situated in the territory between San Francisco and Manteca, while another right authorizes a service between San Francisco and Sacramento, by way of Tracy and Stockton, serving intermediate points.

2. Between Los Angeles and Bakersfield applicant is limited to five miles on either side of the highway, while the certificate issued to the City Transfer and Storage Company of Long Beach, which has been acquired by applicant, authorizes a service between these points and twenty-five miles laterally from the highway.

3. Between San Francisco and San Jose, via the Coast Route, applicant is limited to a five-mile lateral right, while another certificate authorizes a service between San Francisco and San Jose, via San Mateo and Palo Alto, with a twenty-five mile lateral right.

It is apparent from this record that applicant's agents and the public generally have found the conflicting restrictions and limitations of applicant's existing rights to be confusing and request is made that a certificate de novo be issued in lieu of all other certificates of applicant clarifying these restrictions and eliminating conflicting conditions.

Applicant also requests that certain restrictions and limitations contained in the operative rights granted in 1925 to the City Transfer and Storage Company of Long Beach, which were acquired by applicant, be removed and the certificated rights be consolidated and unified with the operating rights now held by applicant as one transportation system.

The above certificate restricts applicant to the transportation of household goods and like commodities in "truckload lots" and states that each movement must, in every instance, have its origin or destination in Long Beach as one terminal.

The following four routes are involved in this certificate:

- (1) Long Beach to Santa Barbara, via Ventura;
- (2) Long Beach to Bakersfield, via Lebec;
- (3) Long Beach to San Bernardino and Mecca, via El Monte or Santa Ana Canyon; and
- (4) Long Beach to San Diego, via Santa Ana.

Witness Sexsmith testified that the term "truckload lots" is ambiguous and could vary in the extreme from two or three pieces loaded on a small pickup truck to 10,000 pounds loaded on a large van, with many variations in between. He further testified that this restriction was placed in the Commission's decision in 1925 and that even though it could be considered to apply to the average-sized truck it still creates a confusing situation, because the average-sized truck in use today is much larger than obtained in 1925.

Witness Sexsmith further testified that the restriction pertaining to shipments having either origin or destination in Long Beach was contained in the Commission's decision issued in 1925 when Long Beach was a geographically separate community, with long stretches of undeveloped territory between it and the nearest city; that during the interim period many new highways have been constructed and the territory developed to such an extent that Long Beach is now considered and included as a part of metropolitan Los

Angeles. The record further discloses that the Commission by Decision No. 28810, in Case No. 4086 and Case No. 4099, superseded by Decision No. 32325, included Long Beach, for rate making purposes, in the territorial description of metropolitan Los Angeles and that no distinction in rates for long distance moving service exists between these points with a possible few exceptions.

Protest Against Additional Operative Rights - Los Angeles-San Diego Territory

Mr. Ellis Brown, co-partner of the Triangle Transfer and Storage Company of San Diego, protested the granting of any additional rights to applicant between Los Angeles and San Diego, or the removal of any restrictions contained in the operative rights which applicant acquired from the City Transfer and Storage Company of Long Beach. He testified that Triangle Transfer and Storage Company maintains a schedule of three round trips a week between San Diego and Los Angeles and that it has been unable to secure sufficient tonnage to load its trucks to capacity. The operative rights of this carrier include the transportation of new and second-hand, crated or uncrated, office, store, and house furniture, show-cases, household goods, pianos, musical instruments, trunks, baggage and personal effects (as a part of and in connection with household goods), including the right to serve intermediate points and lateral rights for a distance of thirty miles on either side of the highways traversed, via Highways U. S. #101 and alternate #101, between Los Angeles and San Diego.

In addition to recommending the granting of extensions and enlargement of applicant's present operative rights as sought in Application No. 22588, the proposed report recommended the removal of restrictions and limitations contained in Decision No. 31217, as hereinabove set forth.

A review of the record of Lyon Van Lines, Inc., discloses that applicant was denied a certificate of public convenience and

necessity between Los Angeles and San Diego in 1955, by Decision No. 27919 on Application No. 19697. At that time the Commission found:

"*****There are now eight certificated carriers, as well as the A. T. and S. F. Railway Company, operating between Los Angeles and San Diego and, of these, three specialize in the transportation of uncrated household and office furniture, etc. None of these three carriers are operating a daily service in this specialized field, due to the fact that the amount of business is insufficient to justify such frequency of service. The record does not disclose any inadequacy of the present service and does show that the existing carriers are capable of transporting many times the present volume of business.*****"

The record in the instant application discloses that applicant's agents have received numerous requests for service from points north and east of Los Angeles to San Diego and intermediate points. However, the record is not convincing that the present service of the existing carriers between Los Angeles and San Diego and intermediate points was inadequate or inconvenient.

Proposed Commodity Description

The proposed report recommended the following commodity descriptions: "For the transportation of crated or uncrated household goods and personal effects and allied commodities, including property usually used in and about the household when a part of such household equipment or supply; furniture, fixtures, equipment, and the property usually used in a store, office, museum, institution, hospital, or other establishment, when a part of the equipment or supply of such store, office, museum, institution, hospital, or other establishment, works of art, furniture, musical instruments, displays, exhibits, and articles requiring specialized handling and equipment usually employed in the moving of household goods and effects."

Protestants to this application opposed the granting of any operative rights to applicant, as an extension or enlargement of its existing rights, which would authorize applicant to trans-

port new furniture, household goods, office or store fixtures and equipment, except when same were not intended for resale. Protestants proposed that in the event new furniture for purpose of resale was transported, the rates to be assessed by applicant should be not less than 200 per cent of the minimum rates of such commodities when crated, as prescribed by the Railroad Commission. (10)

The record discloses that no attempt was made by applicant to show convenience and necessity for the transportation of new furniture, household goods, office or store fixtures and equipment from wholesalers to retailers, or such commodities when intended for the purpose of resale.

With the above exceptions there is nothing of record to oppose the granting of this application. Bekins Van Lines, Inc., also appeared in this matter, as did Bekins Van and Storage Company and Bekins Van and Storage, Inc., all of the above-named appearing as parties in support of the application.

Certificate de novo in lieu of Existing Certificates

Applicant's present operative rights between San Francisco and Los Angeles, via the San Joaquin Valley route, restrict the transportation of shipments handled between Los Angeles and points north of Bakersfield to and including Fresno, to used household furniture, including pianos and musical instruments, which are shipped from owner to owner and not intended for sale or trade. All other operative rights which applicant now possesses contain no restrictions as to the transportation of new furniture, household goods, office furniture and equipment.

The record is convincing that it is desirable from both the standpoint of the applicant and the general public that an in lieu certificate should be issued on a systemwide basis with uniform

(10) Exhibit No. 22.

operative rights to include any enlargement or extension of operations as hereinafter set forth, thus clarifying tariff commodity description and simplifying relations between the applicant and the public generally. However, it would appear that applicant should be restricted to the class of transportation it holds itself out to serve the public, viz., the moving of used household goods and personal effects from residence to residence, or residence to warehouse; the moving of used furniture, fixtures and equipment from office to office, or store to store; and the transportation of new furniture, fixtures or equipment when same is incidental to the above transportation and not intended for the purpose of resale.

F I N D I N G S

The Commission hereby finds as a fact that public convenience and necessity require the establishment and operation by Lyon Van Lines, Inc., of an automotive service as a highway common carrier as that term is defined in Section 2-3/4 of the Public Utilities Act, for the transportation of household goods, furniture, fixtures and equipment as hereinafter specifically described, between the points and over the routes hereinafter specifically set forth, serving all intermediate points on said routes, and in addition thereto lateral rights within a distance of twenty-five miles on either side of the highways, as an extension and enlargement of applicant's existing rights and consolidated therewith.

It is hereby further found that public convenience and necessity require the applicant to perform an automotive transportation service over alternate routes in the territory embraced within the twenty-five mile lateral rights, between the points and over the routes hereinafter specifically set forth.

It is hereby further found that the consolidation, merger, and unification of all operative rights, including those herein

granted, each with the other, in lieu of all prior rights or grants, be granted Lyon Van Lines, Inc., with the right of through service between termini and all intermediate points.

It is hereby further found that applicant failed to show that the present service of the existing carriers between Los Angeles and San Diego and intermediate points was inadequate or inconvenient, or that public convenience and necessity require any additional service at this time between said points.

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.

O R D E R

Public hearings having been held on the application of Lyon Van Lines, Inc., to consolidate the operating rights as heretofore granted by Decision No. 25283, Application No. 18327, and Decision No. 31217, Application No. 20035, and for a certificate of public convenience and necessity, and for a de novo in lieu certificate of all operating rights, merging and unifying the same into a single operating system to establish through service between termini and all intermediate points, the matter having been duly submitted and the Commission now having been fully advised, and basing its order on the statements and findings of fact as set forth in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the granting

of a certificate of public convenience and necessity for the transportation of:

1. Used Household Goods, viz.: household or personal effects commonly used in a household, such as clothing, furniture, furnishings, radios, musical instruments, stoves and refrigerators;
2. Used Fixtures and Equipment, such as furniture, furnishings, and other appurtenances commonly used in a store, office, museum, institution, hospital, or other establishment;
3. New Household Goods, Fixtures, and Equipment as described in items 1 and 2, when not intended for purpose of resale;

I. over the following described routes, to wit:

- Route No. 1 - Sacramento to Red Bluff via Highways U. S. #99E and #99W, Red Bluff to the California-Oregon State Line via Highway U. S. 99;
- Route No. 2 - Los Angeles to the California-Arizona State Line via Highway U. S. #60, Los Angeles to El Centro, via Highway U. S. #99, San Diego to the California-Arizona State Line via Highway U. S. #80;
- Route No. 3 - Hollister and Gilroy to Califa, via Highway State Route #152; excluding therefrom that portion of the route which is now included in applicant's territorial operative rights.

All intermediate points to be served on said routes and in addition thereto lateral rights within a distance of twenty-five miles on either side of the highways and radially at termini points, subject to restrictions and limitations hereinafter set forth;

II. over the following routes as alternate routes only, to wit:

- Alternate Route No. 1 - Famoso to the intersection of Highway State Route #65 and Highway State Route #198, via Highway State Route #65, thence via Highway State Route #198 to the intersection of Highway State Route #198 and Highway U. S. #99;
- Alternate Route No. 2 - Ventura to Castaic Junction via Highway State Route #126;
- Alternate Route No. 3 - Gilroy to Califa via Highway State Route #152;
- Alternate Route No. 4 - Riverside to San Diego via Highway U. S. #395.

III. over the following described routes, that a certificate de novo be issued thereby consolidating, merging, and unifying all operative rights, each with the other, in lieu of all prior rights or grants, both authorized heretofore and herein, with the right of through service between termini and all intermediate points, to wit:

- Route No. 1 - California-Oregon State Line to Red Bluff, via Highway U. S. #99;
- Red Bluff to Sacramento, via Highway U. S. #99E;
- Red Bluff to Davis Junction, via Highway U. S. #99W;
- Route No. 2 - San Francisco, Oakland, Vallejo to Sacramento, via Highway U. S. #40;
- Vallejo to Napa to Petaluma, via Highway State Routes #29 and #12, to junction point south of Sonoma, via unnumbered highway to Petaluma;
- San Francisco and Oakland to Stockton and Manteca, via Highway U. S. #50 and Highway State Route #120;
- San Mateo to Highway U. S. #50 near Castro Valley, via unnumbered highway via San Francisco Bay (San Mateo Toll Bridge) and Mt. Eden and Hayward;
- Route No. 3 - Santa Rosa to San Diego via Highway U. S. #101;
- San Francisco to San Diego via Highway U. S. alternate #101;
- Route No. 4 - Sacramento to El Centro via Highway U. S. #99;
- Route No. 5 - Oakland to San Jose via Highway State Route #17;
- Route No. 6 - Paso Robles to Famoso via Highway State Route #41 and Highway U. S. #466;
- Route No. 7 - Los Angeles to Highway U. S. #99 near San Bernardino via Highway U. S. #66 and San Bernardino;
- Highway U. S. #99 near Pomona to Beaumont via Highway U. S. #60;
- Indio to Blythe and the California-Arizona State Line via Highways U. S. #60 and #70;

Route No. 8 - San Diego to the California-Arizona
State Line via Highway U. S. #80.

The above routes, 1 to 8 inclusive, to include the right to serve all intermediate points on each route and to pick up and deliver shipments in an area of twenty-five miles laterally from each of said highways on said routes, and including the right to pick up and deliver at any and all points within a radius of twenty-five miles of each of the following terminal points: Santa Rosa, San Francisco, Oakland, San Diego, and El Centro, and with the following restriction applying between Los Angeles and San Diego and intermediate points:

No authority is granted for the handling of shipments having both point of origin and destination between Los Angeles and San Diego and intermediate points, except that shipments destined to or originating at Long Beach may be transported between Long Beach and Los Angeles and intermediate points, or Long Beach and San Diego and intermediate points via Santa Ana only.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service is hereby granted to Lyon Van Lines, Inc., subject to the following conditions:

- (1) The authority herein granted shall lapse and be void if applicant shall not have complied with all of the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.
- (2) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (3) Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate, and concurrently make effective on not less than ten days' notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements and rules of the Railroad Commission conforming to the certificate herein granted.

- (4) Applicant shall file in triplicate and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Railroad Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
- (5) 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 obtained.
- (6) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
- (7) Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

IT IS HEREBY FURTHER ORDERED that Decision No. 25283, on Application No. 18327, and Decision No. 31217, on Application No. 20035, be and the same are hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that that part of Application No. 22588 requesting the removal of restrictions on operative rights between Long Beach and San Diego and other points, except in so far as herein granted, and all other requests contained in said application which have not been granted herein, be and the same are hereby denied.

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 16th day of April, 1940.

Ray & Green
Trustees
Justus J. Cramer
Commissioners