

Decision No. 33390

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of G. W. JUDD,)
doing business as JUDD BROTHERS, for a certifi-)
cate of public convenience and necessity to)
operate an automotive freight service as a com-)
mon carrier transporting the freight of The)
Atchison, Topeka and Santa Fe Railway Company) Application
between the freight station of said railway) No. 23631
company at Third Street and Santa Fe Avenue, Los)
Angeles, and a certain area, including Huntington)
Park, Vernon, Maywood and a portion of South Gate)
Bell and an unincorporated area in Los Angeles)
County contiguous thereto.)

BY THE COMMISSION:

O P I N I O N

In this application G. W. Judd, doing business as Judd Brothers, seeks a certificate of public convenience and necessity for the establishment and operation of a highway common carrier service for the transportation of property between the freight station of The Atchison, Topeka and Santa Fe Railway Company at Third Street and Santa Fe Avenue, Los Angeles, and a certain area including Huntington Park, Vernon, Maywood and a portion of South Gate, Bell and an unincorporated area in Los Angeles County contiguous thereto as set forth in the following order.

The certificate herein applied for is sought as an extension and enlargement of the right heretofore created by the Commission's Decision No. 26267, dated August 21, 1933, as amended by Decision No. 26343, dated September 18, 1933, both in Application No. 18802. Such right, which was subsequently acquired by applicant herein under authority of the Commission's Decision No. 33390, dated August 6, 1940, in Application No. 23532, in substance authorized the transportation of traffic of the railway company

between its freight rail station at 56th Street and Malabar Avenue, Huntington Park, and an area including Huntington Park, Vernon, Maywood and a portion of South Gate, Bell and an unincorporated area in Los Angeles County identical with that set forth in the order herein.

The service herein proposed will be provided under a joint rate arrangement between the applicant and the railway company. Applicant proposes to maintain an "on-call" service for the transportation of traffic of the railway company between the points to be served.

As justification for the authority sought, applicant alleges as follows:

"Applicant performs pick-up and delivery service for The Atchison, Topeka and Santa Fe Railway Company in the so-called Vernon-Huntington Park area. The less carload freight involved in such pick-up and delivery service at the present time is taken from or delivered to the Santa Fe freight station located at 56th Street and Malabar Avenue in Los Angeles County area lying between the city boundary line of Huntington Park and Vernon. Such shipments move between the main freight station in Los Angeles and the freight station at 56th Street and Malabar Avenue by freight car or by a scheduled daily van service of Citizens Truck Company, which company has operating rights between such points. The proposed service is to supplement and improve the existing service. If applicant is granted the rights sought, he will handle freight to and from the Los Angeles freight station and the Huntington Park-Vernon area when it is necessary to expedite the handling of traffic. This will give the railway company an opportunity to furnish the shippers in the Huntington Park-Vernon area quicker and more satisfactory service. For example, shipments in freight cars and vans are moved at night or during the early morning hours from the main freight station at Los Angeles to the freight station at 56th Street and Malabar Avenue, and from the freight station at 56th Street and Malabar Avenue to the main freight station at Los Angeles during the late afternoon hours. The proposed service will supplement the existing service when it is necessary to have expedited service between the main freight station at Los Angeles and shippers' premises in the Huntington Park-Vernon area, or to handle overflow traffic"

Applicant is now providing a service to and from the freight rail station of the railway company located at 56th Street and Malabar

Avenue, Huntington Park, and if the authority herein sought is granted applicant will be enabled, in addition thereto, to pick up or discharge rail traffic at the rail carrier's station located at Third Street and Santa Fe Avenue, Los Angeles.

It appears that this is not a matter in which a public hearing is necessary and that the authority sought is in the public interest. The application will be granted.

G. W. Judd 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by G. W. Judd of an automotive service as a highway common carrier, as that term is defined in section 50-3/4 of the Public Utilities Act, of property between the freight station of The Atchison, Topeka and Santa Fe Railway Company at Third Street and Santa Fe Avenue, Los Angeles, and a certain area including Huntington Park, Vernon, Maywood and a portion of South Gate, Bell and an unincorporated area in Los Angeles County contiguous thereto, bounded as follows:

Beginning at the intersection of East 25th Street and Alameda Street (Vernon-Los Angeles City Limit boundary), thence southerly on Alameda Street to Firestone Boulevard, thence easterly on Firestone Boulevard to Atlantic Avenue, thence northerly on Atlantic Avenue to Patata Street, thence easterly on Patata Street to Wilcox Avenue, thence northerly on Wilcox Avenue to Randolph Street, thence easterly on Randolph Street to Garfield Avenue, thence northerly on Garfield Avenue to Anaheim-Telegraph Road, thence northerly on Anaheim-Telegraph Road to Gasper Avenue to Camfield Avenue, thence westerly on Camfield Avenue to Anaheim-Telegraph Road, thence northerly on Anaheim-Telegraph Road to Goodrich Avenue, thence northerly on Goodrich Avenue to East 9th Street, thence easterly on East 9th Street, to Gearhart Avenue, thence westerly on East 9th Street to Los Angeles City boundary line, thence southerly along Los Angeles City boundary line to Vernon City boundary line, thence westerly along Vernon-Los Angeles boundary line to starting point.

as an extension and enlargement of the operative rights heretofore acquired by applicant under the authority of the Commission's Decision No. 33390, dated August 6, 1940, on Application No. 23532.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to G. W. Judd, 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 one (1) days notice to the Railroad 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 in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.

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 one (1) days notice to the Railroad Commission and the public, a time schedule or 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.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 24th day of August, 1940.

Ray & Kelley
Paul W. Kelley
H. B. Kelley
Justin F. Craven
COMMISSIONERS