

Decision No. 38262

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
L. L. MOCKENHAUPT, an individual, doing )  
business as VICTORVILLE-BARSTOW TRUCK )  
LINE, for a certificate of public con- )  
venience and necessity authorizing an )  
extension of service by and through )  
the enlargement of his pick-up and )  
delivery area in the vicinity of Los )  
Angeles and Los Angeles Harbor; and for )  
an in lieu certificate embracing said )  
extension. )

**ORIGINAL**

Application No. 26554

ARTHUR H. GLANZ, for applicant.

H. P. MERRY, for Southern California Freight Lines, and  
Southern California Freight Forwarders, interested  
party.

BY THE COMMISSION:

O P I N I O N

By his application as amended, L. L. Mockenhaupt, doing business as Victorville-Barstow Truck Line, seeks a certificate of public convenience and necessity under Section 50-3/4, Public Utilities Act, authorizing the extension of the service which he now conducts as a highway common carrier, so as to permit the performance of a pickup and delivery service within the Los Angeles Drayage Area, as defined by City Carriers' Tariff No. 4. No one opposed the granting of the application. The matter was submitted at a public hearing, had before Examiner Austin at Los Angeles on May 22, 1945.

Under certificates issued by the Commission, Mockenhaupt now operates as a highway common carrier between Los Angeles, Colton and San Bernardino, on the one hand, and (a) Verdemont, Lucerne Valley, Yermo, Bicycle Lake and intermediate points, and (b) points located laterally within nine miles on each side of U. S. Highway

No. 66 between Miller's Corners and Helendale, and on State Highway No. 18 between Victorville and Lucerne Valley, on the other hand; and also between Daggett and Airport Hospital. <sup>(1)</sup> Until recently, applicant performed a pickup and delivery service throughout the Los Angeles Drayage Area, which included points and places outside the Los Angeles city limits. Following an investigation initiated by the Commission's staff, applicant, along with other carriers similarly situated, was required to confine this service to the city of Los Angeles itself, beyond which he had no authority to operate. To remedy this situation applicant proposes to extend his pickup and delivery service throughout the Los Angeles Drayage Area, <sup>(2)</sup> handling only traffic moving to or from points which he is now authorized to serve.

The record shows that authorization of the extension sought would enable applicant to furnish a more adequate service. To handle the traffic originating at or destined to points situated in the Los Angeles Drayage Area beyond the Los Angeles city limits, local draymen must be employed, whose charges are added to those imposed by applicant for the line-haul service. The freight is interchanged at applicant's Los Angeles terminal. The additional expense and the resulting delays would be obviated were applicant permitted to extend his service, as proposed.

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- (1) Applicant was authorized to operate between the points described by Decision No. 34651, dated October 7, 1941, in Application No. 24143; and by Decision No. 36047, dated December 22, 1942, in Application No. 25255.
- (2) Applicant offers to perform a pickup and delivery service within the Los Angeles Drayage Zone as defined in City Carriers' Tariff No. 4. This would comprise Zones 1A, 1B, 1C, 1D, 10, 11, 12 and 17, as described in Items 30 to 33, inclusive, appearing on pages 9 to 12 of the tariff mentioned.

Applicant called some eight shipper witnesses, all of whom maintained headquarters within the Los Angeles Drayage Area, outside the Los Angeles city limits, or drew their supplies from industries, stores and warehouses situated within that territory. These shippers, who distribute their products at points reached by applicant's lines, testified that substantial advantages would accrue from the establishment of the pickup and delivery service. The delays occasioned by the transfer of freight would be avoided; damage claims incidental to the additional handling of fragile or perishable commodities, would be minimized; and the drayage charges now exacted, amounting approximately to 40 per cent of the total charges for transporting this traffic, would be eliminated. Competition between these shippers and others not required, because of their geographical location, to pay the drayage charge, has prevented the former, in most instances, from passing on to the consignees this additional transportation cost. To avoid this burden, some have used the rail lines but have found the service slower than that accorded by applicant. All expressed complete satisfaction with the service which applicant had provided.

A public need for the establishment of the proposed service has been shown, and, accordingly, the application will be granted.

L. L. Mockenhaupt is hereby placed upon 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, 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

Application having been made as above entitled; a public hearing having been had; and the Commission now finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it hereby is granted to L. L. Mockenhaupt, an individual doing business as Victorville-Barstow Truck Line, authorizing the establishment and operation of a service as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, limited to the performance of a pickup and delivery service between points and places situated within Zones 1A, 1B, 1C, 1D, 10, 11, 12 and 17 of the Los Angeles Drayage Area, as defined in Items Nos. 30, 31, 32 and 33 appearing on original pages 9 to 12, inclusive, of City Carriers' Tariff No. 4, established by Decision No. 32504, in Case No. 4121, as amended. No freight may be transported other than that moving to or from points currently served by applicant, as a highway common carrier, under its existing operative rights.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

1. 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.

2. Applicant shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of the Commission to change or modify such routes by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over any and all public streets and highways available or appropriate for the performance of service between the points and places herein authorized to be served.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 10<sup>th</sup>  
day of July, 1945.

Harold Cudman

Richard Laska  
Frank Owen

Leo Kameel  
COMMISSIONERS