

Decision No. 41426**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CHARLES C. WILSON dba Fred C. Wilson)
 & Sons for a certificate of public)
 convenience and necessity to operate)
 an automobile truck service as a high-) Application No. 28721
 way common carrier for the transpor-)
 tation of farm products from Chula Vista)
 territory to Los Angeles territory, and)
 certain named products from Los Angeles)
 territory to Chula Vista territory.)

F. W. Turcotte, for applicant; H. J. Bischoff for
 Southern California Freight Lines and Southern California Freight
 Forwarders, interested parties.

O P I N I O N

Applicant, Charles C. Wilson, doing business as Fred C. Wilson & Sons, is now engaged in the business of transporting, by motor vehicle, fresh fruits and vegetables, nuts in the shell, dried beans and peas, lentils and grain from the Chula Vista area in San Diego County, to the Los Angeles area, and empty containers, crates, box shooK , wooden box material, fertilizer, agricultural insecticides and fungicides, feed, fruit and vegetable wraps, brushing paper, box and crate liners, chipboard and seeds from the Los Angeles area to the Chula Vista area⁽¹⁾.

(1) The Chula Vista and Los Angeles areas will hereinafter be described in detail but, generally, they are as follows:

Chula Vista Area: A line parallel to, and 2 miles north of, Imperial Avenue in San Diego, on the north, the Mexican border on the south, the coast line on the west, and a line parallel to, and 10 miles easterly of, U. S. Highway 101 on the east.

Los Angeles Area: Sunset and Sepulveda Boulevards on the west, Foothill Boulevard (State Highway No. 118) on the north, Rosemead and Lakewood Boulevards on the east, and the coast line on the south.

Applicant testified that he holds permits issued by this Commission authorizing him to operate as a highway contract carrier, radial highway common carrier, and city carrier, and that his principal trucking operations are as described in the preceding paragraph, which he performs as a contract carrier. By this application, as amended, he requests authority to establish and operate a trucking service, as a highway common carrier, between the Chula Vista and Los Angeles areas, for the transportation of the property hereinabove named.

A public hearing was held at San Diego. Evidence having been adduced, the matter was submitted for decision.

The evidence of record shows that applicant owns and maintains, at Chula Vista, a terminal and dock facilities to accommodate six large trucks; that he proposes to establish such facilities at other points in the Chula Vista area as may be necessary to best serve the farmers within said area; that he owns and proposes to use four pickup trucks, ten tractors, nine semi-trailers, and one line-haul truck; that he proposes to maintain and operate a sufficient fleet of pickup trucks to pick up all less-than-truck-load lots of the produce and to consolidate the same in truck loads at the Chula Vista terminal or at such other places as he may establish in said area; that delivery of said farm products at points in the Los Angeles area will be made directly from the line-haul trucks; that two daily northbound schedules are proposed, excepting Saturdays and days preceding certain legal holidays; that applicant does not propose to establish and maintain a terminal in the Los Angeles area; that shipments from the Los Angeles

area will be picked up by line-haul trucks and deliveries in the Chula Vista area will be made directly from such trucks or by delivery trucks; that two daily southbound schedules are proposed, except on certain legal holidays; that the tonnage of fruits, vegetables, and other products proposed to be transported, grown in the Chula Vista area, and demand for said products in the Los Angeles area, have greatly increased in recent years; that only limited highway common carrier facilities are now available to shippers of farm produce from the Chula Vista area to the Los Angeles area; that a highway common carrier service between the Chula Vista and Los Angeles areas, as herein proposed, would be convenient for, and is needed by, the farmers and dealers in farmer supplies in the Chula Vista area; that applicant is experienced in transportation of farm products by truck, owns equipment and other facilities with which to perform such transportation, is financially responsible, and ready, able, and willing to establish and operate the proposed highway common carrier service.

Seven farmers and two business men testified that applicant's proposed service to and from the Chula Vista area is needed and that it would be used by them because it would be more convenient and dependable than any similar service which is now available to them. The record shows that these farmers usually ship from 35% to 80%--in some cases 100%--of their crops to the Los Angeles market by truck. Several of said witnesses testified that transportation facilities now available are not satisfactory. A prompt and dependable farm pickup and market delivery service is indispensable to successful truck farming.

The application is not opposed.

From the record we find that applicant's proposal to render a highway common carrier service for the transportation of the commodities hereinabove enumerated, between said described areas, to be in the public interest and that public convenience and necessity require its establishment and operation. The application will be granted.

Charles C. Wilson 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

A public hearing having been held in the above-entitled matter, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Charles C. Wilson, authorizing the establishment and operation of a service as a highway common

carrier as defined in Section 2 3/4 of the Public Utilities Act, for the transportation of fresh fruits and vegetables, nuts in the shell, dried beans and peas, lentils, and grain from the Chula Vista area, County of San Diego, described as follows:

- (a) Along U. S. Highway No. 101 between Imperial Avenue in the City of San Diego and the United States-Mexican Border. Also, all points and places located not to exceed ten miles laterally on either side of said portion of U. S. Highway No. 101;
- (b) Along Imperial Avenue in the City and County of San Diego between the intersection of U. S. Highway No. 101 and Imperial Avenue and Mt. Vernon Avenue south of Lemon Grove. Also, all points and places located not to exceed two miles laterally on either side of said portion of Imperial Avenue;

to the Los Angeles area, described as follows:

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101 Alternate, thence northeasterly along Sunset Boulevard to State Highway No. 7, northerly along State Highway No. 7 to State Highway No. 118, northeasterly along State Highway No. 118 through and including the City of San Fernando, continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena, easterly along U. S. Highway No. 66 to State Highway No. 19, southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101 Alternate, southeasterly along U. S. Highway No. 101 Alternate to and including the City of Seal Beach,

and empty containers, crates, box shock, wooden box material, fertilizer, agricultural insecticides and fungicides, feed, fruit and vegetable wraps, brushing paper, box and crate liners, chip-board and seeds from the hereinabove described Los Angeles area to the hereinabove described Chula Vista area.

(2) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

- (a) 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.
- (b) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, establish the service herein authorized and 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, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Charles C. Wilson shall conduct said highway common carrier service over and along the following routes, highways, and public streets:
1. Within the described areas of Chula Vista and Los Angeles; over and along any and all available and appropriate public streets and highways.
 2. Between the described areas of Chula Vista and Los Angeles; over and along U. S. Highways Nos. 101 and 101 Alternate.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of April, 1948.

R. J. [Signature]
Justin J. [Signature]
[Signature]
Harold [Signature]
[Signature]
COMMISSIONERS