

ORIGINAL

Decision No. 45711  
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
(a) RICHARDS TRUCKING AND WAREHOUSE CO.,  
a corporation, to sell and of WATER-LAND  
TRUCK LINES, a corporation, to buy certifi-  
cate to operate an automobile freight  
line in Southern California, created  
by Decision No. 18883, dated October 4,  
1927; and (b) WATER-LAND TRUCK LINES, a  
corporation, for authority to issue  
shares of its common capital stock.

Application No. 29182  
1st Supplemental.

Glanz & Russell, by T. W. Russell, for Water-Land  
Truck Lines. Arlo D. Poe for Richards Trucking and Warehouse Co.

O P I N I O N

A public hearing was held in this matter on April 1,  
1951, at Los Angeles, before Examiner Chiesa (1).

The evidence of record shows, and we find, that  
Richards Trucking and Warehouse Co., a corporation, on  
October 4, 1927, was possessed of a "grandfather right"  
to operate "an auto truck and freight service between  
and Wilmington via Huntington Park and Long Beach  
Beach Boulevard"; that by Decision No. 18883,  
1927, said Richards Trucking and Warehouse Co. was  
granted a certificate of public convenience and

(1) The matter was heard on a joinder  
No. 32002, in which Water-Land  
authority to sell this in  
Desert Express.

*CORRECTION*

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

ORIGINAL

Decision No. 45714

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 (a) RICHARDS TRUCKING AND WAREHOUSE CO., )  
 a corporation, to sell and of WATER-LAND )  
 TRUCK LINES, a corporation, (Teskey )  
 Transportation Company), to buy certifi- )  
 cate to operate an automobile freight ) Application No. 29182  
 line in Southern California, created ) 1st Supplemental.  
 by Decision No. 18883, dated October 4, )  
 1927; and (b) WATER-LAND TRUCK LINES, a )  
 corporation, for authority to issue )  
 shares of its common capital stock. )

Glanz & Russell, by T. W. Russell, for Water-Land  
 Truck Lines. Arlo D. Poe for Richards Trucking and Warehouse Co.

## O P I N I O N

A public hearing was held in this matter on April 16,  
 1951, at Los Angeles, before Examiner Chiesa <sup>(1)</sup>.

The evidence of record shows, and we find, that  
 Richards Trucking and Warehouse Co., a corporation, prior to  
 October 4, 1927, was possessed of a "grandfather right" to  
 operate "an auto truck and freight service between Los Angeles  
 and Wilmington via Huntington Park and Long Beach over Long  
 Beach Boulevard"; that by Decision No. 18883, dated October 4,  
 1927, said Richards Trucking and Warehouse Co. was granted a  
 certificate of public convenience and necessity to operate

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(1) The matter was heard on a joint record with Application  
 No. 32002, in which Water-Land Truck Lines requests  
 authority to sell this intrastate operating right to  
 Desert Express.

"its auto truck and freight service between Los Angeles and the Los Angeles harbor district, without intermediates between the south boundary of the City of Los Angeles and the north boundary of Wilmington, over and along the following route, to-wit; via Harbor Truck Boulevard"<sup>(2)</sup>; that on March 16, 1948, Richards Trucking and Warehouse Co. applied to sell to Water-Land Truck Lines, a corporation, (original Application No. 29182), "all operating rights held by seller under authority of the Public Utilities Commission of the State of California, authorizing the transportation of property in intrastate commerce by motor vehicle, such rights being defined (emphasis added) in Decision No. 18883 of said Commission, dated October 4, 1927"<sup>(3)</sup>; that, although the caption of said Application No. 29182 referred to the operating rights as being created (emphasis added) by Decision No. 18883, the agreement between the parties (Exhibit C attached to said Application No. 29182) and their intention was to sell all intrastate operating rights which the seller possessed; that Decision No. 41478, on Application No. 29182, among other things, granted authority to Richards Trucking and Warehouse Co. to sell and transfer to Water-Land Truck Lines "the certificate of public convenience and necessity created (emphasis added) by Decision No. 18883, dated October 4, 1927", omitting any reference to the seller's "grandfather rights" which also were, by reference, included in the agreement of sale.

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(2) This certificate gave applicant an additional route between Los Angeles and Wilmington. Harbor Truck Boulevard was a new route opened in February, 1923. The evidence in this proceeding shows that operations were thereafter conducted over and along both routes.

(3) See paragraph (b), page 1, of Exhibit C, filed with Application No. 29182.

By this supplemental application a clarification is sought of the operating rights authorized to be transferred.

The attorney for Richards Trucking and Warehouse Co., the seller in Application No. 29182, testified that it was the intention of the parties, as shown by the agreement of sale, to sell and transfer all the intrastate operating rights possessed by the seller, which included the "grandfather right" and the rights created by Decision No. 13883.

Testimony was given that tariffs filed by Richards Trucking and Warehouse Co. and Water-Land Truck Lines at all times included a service along the Long Beach Boulevard route, and that said carriers continuously held themselves out to serve the public along said route and that such services have been continuously performed.

We have carefully examined the applications and decisions hereinabove mentioned, and also the agreement of sale dated December 29, 1947, (Exhibit C in Application No. 29182), and we conclude that the said grandfather rights should have been specifically included in the authority of sale and transfer contained in paragraph 1. of the order in Decision No. 41478, dated April 20, 1948.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That paragraph 1. of the order in Decision No. 41478 be, and it hereby is, amended to read as follows:

1. Richards Trucking and Warehouse Co., after the effective date hereof, may sell and transfer to Water-Land Truck Lines the certificate of public convenience and necessity

created by Decision No. 18883, dated October 4, 1927, including its "grandfather right" to operate a freight service by truck, between Los Angeles and Wilmington, via Huntington Park and Long Beach, over Long Beach Boulevard.

(2) That, in all other respects, said Decision No. 41478 shall remain in full force and effect.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 15th day of May, 1951.

R. J. [Signature]  
Justus F. [Signature]  
Harold F. [Signature]  
Edw. E. [Signature]

COMMISSIONERS