

Decision No. 48043

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
C & L FREIGHT LINES, INC., a California)
corporation, for a certificate of)
public convenience and necessity to)
operate as a highway common carrier)
for the transportation of general)
commodities, exclusive of livestock,)
perishable fruits and vegetables)
other than packaged frozen foods)
and frozen fish, uncrated household)
goods, uncrated new furniture, ex-)
plosives, tank truck operations,)
clothing, liquors, wines, beer,)
tobacco products and furs and)
plushes, over described routes, inter-)
mediate and off-route points.)

Application No. 32480
As Amended

Franklin L. Knox and Raymond Tremaine for applicant.
E. L. H. Bissinger for Southern Pacific Company, Pacific Motor
Trucking Company and Pacific Electric Railway Company; Robert W.
Walker and Frederick A. Jacobus for The Atchison, Topeka & Santa
Fe Railway Company and Santa Fe Transportation Company; Frank W.
Sellwood for Western Truck Lines, Ltd.; Gordon, Knapp & Gill by
Hugh Gordon and Sanford A. Waugh for Pacific Freight Lines and
Pacific Freight Lines Express; H. J. Bischoff, John B. Robinson
and Oscar Goldberg for Southern California Freight Lines and
Southern California Freight Forwarders, protestants. J. Nelson
Kagarise for Public Freight System, interested party.

O P I N I O N

In this proceeding C & L Freight Lines, Inc. seeks
authority to operate as a highway common carrier, as that term
is defined in Section 213 of the Public Utilities Code, for
the transportation of general commodities, exclusive of live-
stock, perishable fruits and vegetables other than packaged
frozen foods and frozen fish, uncrated household goods

(except new household and kitchen appliances which applicant proposes to transport), explosives, tank truck operations, dump truck operations, clothing (except rubber footwear and shoes which applicant proposes to transport), liquor, wines, beer, tobacco products, and furs and plushes.

As proposed, the movement will be primarily outward-bound from a described pickup territory lying within the Los Angeles Drayage Area and moving to such points as San Bernardino, Colton, Anaheim, Glendale, Burbank, Pasadena, San Fernando, Topanga Beach, Santa Monica, Redondo Beach, Long Beach, Santa Ana, El Segundo, Chino and Riverside and other points.

Authority is sought to operate over many named highways with the right to deliver to off-route points lying fifteen miles on either side of such highways. Except in the described pickup area no freight will be accepted for transportation except the return of rejected commodities or articles to be shipped for repair, or empty containers.

Public hearings were held before Examiner Rowe in Los Angeles and Colton during July, September and October, 1951. Oral and documentary evidence was adduced and after argument the matter was duly submitted for decision on October 19, 1951.

Applicant described its present equipment, financial position and the experience of its management. In addition the present operation of applicant under permits issued by this Commission was described. This operation is extensive between the points sought to be served as a highway common carrier. Eight pieces of equipment owned by applicant and normally five leased trucks are used in the

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service. Pickups are made early in the morning, and normally the same truck makes direct deliveries to the consignees of articles which, because of their condition or the condition of the market or the supply, require same-day rapid delivery. For instance, frozen foods, if delivered within three to four hours, remain in good condition without icing. Due to government controls certain other articles in low supply must have expedited delivery. This applies especially to certain airplane parts and materials. The continuance of such rapid delivery can be expected after certification, for the reason that the freight movement is predominantly outward from the pickup area with a light or no back haul. Further, this assures same-day delivery because the trucks and drivers must return to Los Angeles each night, otherwise the operation could not be economically feasible.

Applicant stated a desire to supplement this same-day delivery by an overnight service where the shipper is unable to effect morning delivery to it. In view of the fact that since an outward movement only is proposed which, without a balanced return, cannot result in the creation of a large organization, no restriction will be imposed on applicant. Some of the protestants are also rendering same-day deliveries to some shippers. Santa Fe Transportation Company operates one truck and trailer from Los Angeles to San Bernardino daily. Southern California Freight Lines renders same-day deliveries to its

larger customers. To a lesser extent this is also the case with Pacific Freight Lines. However, the fact that a number of satisfied customers appeared on behalf of protestants and stated that they had no need for applicant's proposed service is not considered as refutation of the testimony of applicant's witnesses who stated that they needed it. We find that public convenience and necessity require the same day deliveries proposed by applicant.

At the hearing applicant stated that he wished to be limited as to off-route service to an area of twelve miles on either side of the main highways named hereinafter. He will be so limited. There was little conflict in the evidence as to off-route service.

Protestants' contention that the application is for an "area coverage" is without merit, inasmuch as applicant now seeks to operate as a highway common carrier between fixed termini and over regular routes within the meaning of Section 213 of the Public Utilities Code.

C & L Freight Lines, Inc. 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 particular routes. 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 as above entitled having been filed, public hearings having been held thereon, the matter being duly submitted, and the Commission hereby finding 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 C & L Freight Lines, Inc., a California corporation, authorizing it to operate as a highway common carrier, for the transportation of general commodities, exclusive of livestock, perishable fruits and vegetables (except packaged frozen foods which will be transported), uncrated household goods (except new household and kitchen appliances which will be transported), explosives, clothing (except rubber footwear and shoes which will be

transported), liquors, wines, beer, tobacco products, furs and plushes, and materials handled normally in tank trucks, and materials in dump trucks, between the Los Angeles Metropolitan Area described in Appendix "A" attached hereto, on the one hand, receiving commodities for transportation within said area hereinafter referred to as the 'pickup area', for delivery to San Fernando, Santa Monica, El Segundo, Manhattan Beach, Hermosa Beach, Redondo Beach, Fort MacArthur, Wilmington, Long Beach, Newport Beach, Santa Ana, Orange, Anaheim, Fullerton, Brea, Burbank, Alessandro, Riverside, Redlands, San Bernardino, Highlands, East Highlands, Monrovia, Sierra Madre, Pasadena, Glendale, La Canada, La Crescenta and Tujunga and intermediate points along or within twelve miles on either side of routes hereinafter described, traversing any and all public highways as necessary or convenient in serving such off-route points, and receiving commodities limited to the return of rejected commodities or for repair or empty containers for transportation at points only along the aforesaid routes or at points of delivery off-route, for delivery within the pickup area described above.

(2) That, in the operation of the highway common carrier service pursuant to the foregoing certificate, applicant shall conform with and observe the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, applicant shall conduct said highway common carrier operations between the above-named points and places over and along the following highways:

U. S. Highway No. 101 and U. S. Highway No. 101-A to Sherman Oaks and Topanga Beach, respectively, on the west, Irvine on the southeast, beach cities on the south.

U. S. Highway No. 99 to San Fernando on the north, Los Angeles on the south, Redlands on the east.

U. S. Highway No. 66 to Santa Monica on the southwest and Orange Avenue (vicinity of East Highlands) on the east.

U. S. Highway No. 60 from Los Angeles to March Field on the east.

U. S. Highway No. 70 from Los Angeles to Redlands on the east.

U. S. Highway No. 91 from U. S. Highway No. 99 on the north to Arlington on the southwest.

U. S. Highway No. 395 from Riverside on the north to March Field on the east.

U. S. Highway No. 6 from San Fernando on the north to Wilmington area on the south.

U. S. Highway No. 107 from Los Angeles on the north to Wilmington area on the south.

California State Highway No. 118 to San Fernando on the northwest to Pasadena on the west.

California State Highway No. 15 from Huntington Drive on the north to Ocean Blvd. on the south.

California State Highway No. 19 from Foothill Boulevard on the north to Pacific Coast Highway on the south.

Western Avenue from Los Angeles on the north to Highway No. 101-A on the south.

Alameda Boulevard from Los Angeles on the north to Terminal Island on the south.

California Highway No. 35 from Firestone Boulevard on the north to Garden Grove Boulevard on the south.

California Highway No. 39 from Highway No. 101 on the north to Garden Grove Boulevard on the south.

California Highway No. 22.

California Highway No. 55 from Tustin on the north to Newport Beach on the south.

Harbor Boulevard from Garden Grove on the north to Costa Mesa on the south.

California Highway No. 26 from Vernon on the west to La Habra on the east.

California Highway No. 7 from San Fernando on the north to Sunset Boulevard on the south.

Arrow Highway from Rosemead Boulevard on the west to San Bernardino on the east.

Huntington Drive from Los Angeles on the southwest to Arcadia on the east.

Foothill Boulevard from Pasadena on the east to Sierra Madre on the north and Monrovia on the east.

Euclid Avenue from Highway No. 66 on the north to Pine Avenue from Narod on the north to Chino Boulevard and Pine Avenue on the south.

Riverside Avenue from Chino on the west to U. S. Highway No. 60 on the east.

Grant Street from Mission Boulevard on the north, thence south along Van Buren Street and east to Allesandro on the east.

Barton Avenue from U. S. Highway No. 395 on the west, thence east along Brookside Avenue to Redlands on the east.

Archibald Avenue from Highland Avenue (via Amethyst Street) to U. S. Highway No. 60 on the south.

Etiwanda Avenue from Highland Avenue on the north to Mira Loma on the south.

Mt. Vernon Avenue from Highland Avenue on the north to U. S. Highway No. 99 on the south.

"E" Street from San Bernardino on the north to U. S. Highway No. 99 on the south.

Orange Avenue from Redlands on the south, north to Highland Avenue on the north.

Highland Avenue from Amethyst Street on the west to prolongation of Orange Avenue on the east.

Carlton Avenue from San Bernardino on the north to Mt. Vernon on the west.

Pomona Boulevard from El Monte on the west to Pomona on the east.

Holt Avenue from Rosemead Boulevard on the west, east along Covina Boulevard to Grand Avenue on the east, thence north along Grand Avenue to Arrow Highway on the north.

Brea Boulevard from Central Avenue on the north to Placentia on the south.

California Highway No. 18 from Highway No. 101 on the west to Olive on the east.

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Glassell Avenue from Olive on the north to First Street on the south.

First Street from Highway No. 101 on the west to Tustin on the east.

Main Street from Highway No. 101 on the north (vicinity of Santa Ana) to California Highway No. 55 on the south.

California Highway No. 55 from Tustin on the north to Newport Beach on the south.

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

Dated at South Orange California, this 9th day of December, 1952.

R. J. Dunderman
President

Harold P. Hells

Herbert P. ...

John E. Mitchell
Commissioners

APPENDIX "A"

Including both sides of boundary streets commencing at the intersection of Figueroa Street and Rosecrans Avenue, in the City of Los Angeles, California, thence easterly along Rosecrans Avenue to its intersection with Atlantic Avenue, thence northerly along Atlantic Avenue to its intersection with Imperial Highway, thence easterly on Imperial Highway to the Rio Hondo River, thence northeasterly along the Rio Hondo River to its juncture with Anaheim-Telegraph Road, westerly on Anaheim-Telegraph Road to Greenwood Avenue, thence northerly along Greenwood Avenue to its intersection with Whittier Boulevard, thence westerly along Whittier Boulevard to its intersection with Eastern Avenue, thence northerly along Eastern Avenue to its intersection with Worth Street, thence westerly along Worth Street to its intersection with Valley Boulevard, thence westerly along Valley Boulevard to its intersection with North Main Street, thence westerly along North Main Street to its intersection with Workman Street, thence northerly along Workman Street to its intersection with Pasadena Avenue, thence northeasterly along Pasadena Avenue to its intersection with Avenue 33, thence westerly along Avenue 33 and its continuation of Lacy Street to its intersection with Avenue 26, thence along Avenue 26 to its intersection with Figueroa Street, thence along Figueroa Street to point of beginning.