

ORIGINAL

Decision No. 54051

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BURTON TRUCK & TRANSFER CO., a)
corporation, for a certificate of)
public convenience and necessity)
to operate as a highway common)
carrier of general commodities)
with some exceptions between)
various points and places in)
Southern California.)

Application No. 35924

Glanz & Russell by Arthur Glanz, for applicants.
Henry Bischoff, for Southern California Freight
Forwarders, Southern California Freight Lines,
and Santa Fe Transportation Company, protestants.

O P I N I O N

Burton Truck & Transfer Co. is engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Burton Truck & Transfer Co. seek an order authorizing it to conduct service as a highway common carrier for the transportation of general commodities generally between various points in Los Angeles, San Bernardino, Riverside and Orange Counties.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

A public hearing was held on September 28, 1956, at Los Angeles before Examiner Carl Silverhart.

Protestants did not offer any testimony but engaged in cross-examination of applicant.

Upon consideration of the allegations of the application, the representations filed pursuant to the above-mentioned notice and the evidence adduced at the hearing, the Commission finds that public convenience and necessity require that the application be granted to the extent set forth in the ensuing order. It appears

that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein.

Applicant is hereby placed on 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, such rights 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 as to the number of rights which may be given.

O R D E R

A public hearing having been held, and based upon the evidence therein adduced and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Burton Truck & Transfer Co., a corporation, authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points as more particularly set forth in Appendix A and Appendix B attached hereto and made a part hereof.

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

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

By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and on not less than ten 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.

(3) That the highway common carrier operative rights acquired by Decision No. 49430, dated December 15, 1953, in Application No. 34921, *ARC* *ARC* canceled simultaneously with the making of the filings required by and pursuant to the provisions of paragraph (2)(a) and (b) hereof.

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 5th day of NOVEMBER, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner *[Signature]* did not participate in the disposition of this proceeding.

Burton Truck & Transfer Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points within the area more particularly delineated in Appendix B attached hereto.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps) ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers, combined, buses, bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 54051, Application No. 35924.

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly on 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; northerly along State Highway No. 19 to Foothill Boulevard; easterly on Foothill Boulevard to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; northeasterly on Hillcrest Boulevard to Grand Avenue; southeasterly on Grand Avenue to Oak Park Lane; continuing on Oak Park Lane and the eastern boundary of the City of Monrovia to Wildrose Avenue; easterly on Wildrose Avenue to Bradbury Avenue; southerly on Bradbury Avenue to Lemon Avenue; easterly on Lemon Avenue to Buena Vista Street; southerly on Buena Vista Street to Royal Oaks Drive; easterly on Royal Oaks Drive to the West Bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly along Painter Avenue to U. S. Highway 101; southeasterly and southerly along U. S. Highway 101 to U. S. Highway 101, ByPass; southeasterly along U. S. Highway 101, ByPass, to First Street; westerly along First Street and Bolsa Avenue to Bolsa Chica Road; northerly along Bolsa Chica Road to West 17th Street; westerly along West 17th Street to Bay Boulevard; southerly along Bay Boulevard to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.