

ORIGINAL

Decision No. 54241

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of BOULEVARD TRANSPORTATION )  
COMPANY, a corporation, for a ) Application No. 36488  
certificate of public convenience )  
and necessity as a highway common )  
carrier of property. )

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Ivan McWhinney, for applicant.  
H. J. Bischoff, for Southern California  
Freight Lines, Southern California Freight  
Forwarders and Desert Express; and Merrill  
K. Albert, for the Santa Fe Transportation  
Company and The Atchison, Topeka and Santa  
Fe Railway Company; protestants.

O P I N I O N

Boulevard Transportation Company, a corporation, is engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of general commodities between Santa Monica, Calabasas, San Fernando and San Bernardino, Redlands, Riverside and San Diego.

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

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

One protestant offered evidence and together with one other engaged in cross-examination of applicant's witness.

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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Boulevard Transportation Company, 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 and over the routes as more particularly set forth in Appendix A 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 operating authority now held by applicant is hereby revoked and canceled. Such revocation and cancellation shall take effect simultaneously with the making of the filings

pursuant to and as required by the provisions of paragraph (2) hereof. The authority hereby revoked includes, but is not limited to, the following decisions:

<u>Decision No.</u>	<u>Application No.</u>
11404	10020
27015	17272
27128	17272

Note: Applicant acquired these rights under authority of Decision No. 36694, dated November 9, 1943, in Application No. 25775.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of DECEMBER, 1956.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners

Boulevard Transportation Company, a corporation,  
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 and places within the  
following described area:

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  
Chatsworth Drive; northeasterly along Chatsworth  
Drive to the corporate boundary of the City of San  
Fernando; westerly and northerly along said  
corporate boundary to McClay Avenue; northeasterly  
along McClay Avenue and its prolongation to the  
Angeles National Forest boundary; southeasterly  
and easterly along the Angeles National Forest  
and San Bernardino National Forest boundary to  
the county road known as Mill Creek Road; westerly  
along Mill Creek Road to the county road 3.8 miles  
north of Yucaipa; southerly along said county road  
to and including the unincorporated community of  
Yucaipa; westerly along Redlands Boulevard to  
U. S. Highway No. 99; northwesterly along U. S.  
Highway No. 99 to and including the City of Redlands;  
westerly along U. S. Highway No. 99 to U. S. Highway  
No. 395; southerly along U. S. Highway No. 395 to  
State Highway No. 18; southwestwesterly along State  
Highway No. 18 to U. S. Highway No. 91; westerly  
along U. S. Highway No. 91 to State Highway No. 55;  
southerly on State Highway No. 55 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.

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.

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2. Automobiles, trucks and buses, viz.: now 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 and 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 semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers 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

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