

Decision No. 54322**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 IMPERIAL TRUCK LINES, INC., for a
 certificate of public convenience
 and necessity authorizing the
 transportation of freight, with
 certain exceptions, between Los
 Angeles, California, and points
 in the vicinity thereof, on the
 one hand, and certain points in
 Imperial County, California, on
 the other hand, serving certain
 intermediate and off-route points,
 pursuant to Sections 1063-1064 of
 the California Public Utilities
 Code.

Application No. 35283

In the Matter of the Application of
 IMPERIAL TRUCK LINES, INC., a corpora-
 tion, 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
 within California pursuant to Public
 Utilities Code Sections 1063-1064.

Application No. 36429

Glanz & Russell by R. Y. Schureman, for applicants.
F. W. Mielke, for Delta Lines, Inc.; H. J. Bischoff,
 for Southern California Freight Lines, et al.;
 and John H. Gordon, for Southern Pacific Company,
 et al.; protestants.

O P I N I O N

Imperial Truck Lines, Inc., a corporation, is engaged
 in the transportation of property in California pursuant to permits
 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 U. S. Highway No. 40 and the Mexican
 border.

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 26, 1956 before Examiner John Power.

Protostants introduced no evidence but cross-examined applicant's witnesses.

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 Imperial Truck Lines, Inc., 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 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.

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

Dated at San Francisco, California, this 27th day of DECEMBER 1956.

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

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

Imperial Truck Lines, Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

- (A) General commodities between Los Angeles Territory, on the one hand, and Coachella Valley Territory and Imperial Valley Territory together with Winterhaven and points on U. S. Highway 80 between Winterhaven and Imperial Valley Territory and points on U. S. Highway No. 99 and State Highway No. 111 between Imperial Valley and Coachella Valley Territories, all on the other hand. Los Angeles Territory, Coachella Valley Territory and Imperial Valley Territory mean all points included within the boundaries of each as delineated on Appendix B hereto attached.
- (B) Vegetables, fresh, not cold pack or frozen, between Santa Maria, Guadalupe, Oceano and Lompoc, on the one hand, and Los Angeles, on the other hand.

Service to intermediate points is not authorized under either (A) or (B) above.

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 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.

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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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LOS ANGELES TERRITORY includes that area embraced by the following boundary: 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; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with 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 on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation 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.

COACHELLA VALLEY TERRITORY includes that area lying between the little San Bernardino Mountains and Cottonwood Mountain, on the one hand, and the San Jacinto and Santa Rosa Mountains on the other; and bounded on the northwest by Edom on U. S. Highway No. 99 and Indian Wells on State Highway No. 111, and on the southeast by the Riverside-Imperial County Line on U. S. Highway No. 99 and Southern Pacific Company station of Mortmar on State Highway No. 111.

IMPERIAL VALLEY TERRITORY includes that area bounded on the south by the International Boundary Line; on the east by the East High Line Canal to the point at which it intersects the main line of the Southern Pacific four miles east of Niland; on the north by the main line (transcontinental route) of Southern Pacific Company; and on the west by a series of imaginary lines drawn from Southern Pacific station of Wister to Kane Springs on U. S. Highway No. 99; thence south to Plaster City on U. S. Highway No. 80; thence south to the International Boundary Line.