

ORIGINAL

Decision No. 54688

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 J. R. MURRAY, an individual, doing)
 business as J. R. MURRAY, for a cer-)
 tificate of public convenience and)
 necessity to operate as a highway) Application No. 36486
 common carrier of special commodities)
 with some exceptions between various)
 points and places in Southern Calif-)
 ornia pursuant to Public Utilities)
 Code Sections 1063-1064.)

Glanz & Russell by Theodore W. Russell, for applicant.

A. R. Reader, for Desert Express; Frederick W. Mielke, for Delta Lines, Inc.; Willard S. Johnson, for J. A. Nevis Trucking, Inc., J. Christenson Co. and Ted Peters Trucking Co., Inc.; Lloyd R. Guerra and Richard C. Reid, for Western Truck Lines, Ltd.; and H. J. Bischoff, for Southern California Freight Lines, Southern California Freight Forwarders, California Motor Express, Ltd., California Motor Transport Co., Ltd., Coast Line Truck Service, Inc.; protestants.

O P I N I O N

J. R. Murray is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of certain commodities, generally between Sacramento and San Francisco, on the north, the California-Mexico border, on the south, and Blythe, on the east.

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 December 5, 1956 before Examiner Carl Silverhart.

Protestants did not present 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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to J. R. Murray, authorizing him 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 he will be required, among other things, to file annual reports of his 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 19th day of March, 1957.

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

-3- Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.

J. R. Murray, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. CONDUITS, DRAIN TILE, SEWER PIPE, OR RELATED ARTICLES, CLAY, CONCRETE OR EARTHEN, VIZ.:
Pipe, concrete, reinforced
Pipe, sewer, or sewer pipe fittings

CONDUITS, PIPE, SMOKESTACKS, TUBING, OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, VIZ.:
Pipe or tubing, iron or steel

IRON OR STEEL, VIZ.:

Angles
Bars
Beams
Bolts or nuts
Braces, bracing, brackets or forms, structural
Castings
Channels
Mesh, bar or wire
Nails
Plate or sheet
Rivets
Sheets
Studding sockets
Washers or gaskets
Wire

LEAD, VIZ.:
Sheets

MACHINERY OR MACHINES, OR PARTS NAMED, VIZ.:
Elevators, conveyors or escalators or parts
Parts, machine or machinery, iron or steel

MISCELLANEOUS COMMODITIES, VIZ.:
Heaters, water
Sash, iron or steel

BETWEEN:

Los Angeles, South Gate, Maywood, Long Beach, Huntington Park, Burbank, Glendale and Downey, on the one hand, and San Francisco, South San Francisco, San Jose, Oakland, Emeryville, Berkeley and Pittsburg, on the other hand.

Issued by California Public Utilities Commission.

Decision No. 54282, Application No. 36486.

2. ORANGES, GRAPEFRUIT, LEMONS AND WATERMELONS

BETWEEN:

- (a) Los Angeles and Sacramento.
- (b) All points in the Los Angeles Basin Territory as described in Appendix B hereto attached.

The authorities set forth above in paragraphs 1 and 2(a) do not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs 2(a) and (b).

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 54622, Application No. 36486.

LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard 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 the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwestwesterly along the shore line of the Pacific Ocean to point of beginning.