

**ORIGINAL**Decision No. 54695

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CULY TRANSPORTATION CO., INC., a )  
 corporation, for a certificate of ) Application No. 36010  
 public convenience and necessity to )  
 operate as a highway common carrier )  
 for the transportation of property. )

O P I N I O N

Culy Transportation Co., Inc., is engaged in the transportation of property in California pursuant to certificates of public convenience and necessity and permits issued by this Commission.

Applicant seeks an order authorizing it to extend its highway common carrier service.

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

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted. It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed operation. A public hearing is not necessary.

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

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Culy Transportation Co., 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.

(3) That all operative rights possessed by applicant other than those granted in paragraph (1) hereof are cancelled simultaneously with the making of the filings required by and pursuant to the provisions of paragraph (2) above set forth.

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

Dated at San Francisco, California, this 19<sup>th</sup> day of MARCH, 1957.

*E. N. Marshall*  
President  
*Wm. H. ...*  
*P. H. ...*  
*C. L. ...*  
  
Commissioners

Culy Transportation Co., Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

- (1) General commodities.

between:

- (a) The San Francisco Territory, on the one hand, and the Los Angeles Territory, on the other hand; the Los Angeles Territory, on the one hand, and the San Diego Territory, on the other hand; the San Francisco Territory, on the one hand, and the San Diego Territory, on the other hand.
- (b) Points and places located along U. S. Highway 99 between Sacramento and Tulare, inclusive, on the one hand, and the Los Angeles Territory and the San Diego Territory, on the other hand, with the right to provide service to points located within 20 miles laterally of U. S. Highway 99 between Sacramento and Tulare, inclusive.
- (c) The San Diego Territory and the Los Angeles Territory, on the one hand, and between all points and places on U. S. Highway 395 between Miramar and Temecula; all points and places between Escondido and U. S. Highway 395 via State Highway 78 to Vista, unnumbered highway from Vista to U. S. Highway 395 via Bonsall and Fallbrook; all points and places between Escondido and Temecula via unnumbered highway from Escondido to Temecula via Valley Center, Lilac and Pala; and between all points and places on U. S. Highway 101 between Encinitas and Oceanside; serving all points and places named and intermediate points on the above routes, on the other hand.

(The San Francisco Territory, the Los Angeles Territory and the San Diego Territory hereinabove referred and more particularly described on Appendix B hereto attached)

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- (2) Fruits, fresh (not cold pack or frozen), and vegetables, fresh or green, (including mushrooms, not cold pack or frozen).

between:

- (a) Points and places on U. S. Highway 395 between Miramar and Temecula; all points and places between Escondido and U. S. Highway 395 via State Highway 78 to Vista, unnumbered highway from Vista to U. S. Highway 395 via Bonsall and Fallbrook; all points and places between Escondido and Temecula via unnumbered highway from Escondido to Temecula via Valley Center, Lilac and Pala, serving all points named and intermediate points on the above routes, on the one hand, and, on the other hand, the San Francisco Territory.

For operating convenience only, applicant is authorized to traverse the following routes:

- a. U. S. Highway 40 between San Francisco and Sacramento.
- b. U. S. Highway 50 and State Highway 120 between San Francisco and U. S. Highway 99.
- c. All streets and highways within the San Francisco, Los Angeles and San Diego Territories.
- d. All U. S., State and County highways within the lateral zone specified between Sacramento and Tulare, inclusive.

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

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Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities above set forth in paragraphs (1)(a), (1)(b), (1)(c) and (2)(a) hereof.

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. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix A

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SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

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.

APPENDIX B TO DECISION NO. 54695 (Continued)

SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.