

ORIGINAL

Decision No. 59930

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VICTORVILLE-BARSTOW TRUCK LINE, a corporation, for an in lieu certificate of public convenience and necessity as a highway common carrier of general commodities between various points in southern California pursuant to Sections 1063-1064 of the California Public Utilities Code.

Application No. 41895

O P I N I O N

By the application herein, filed with the Commission on January 28, 1960, Victorville-Barstow Truck Line, a corporation, now rendering service as a highway common carrier under authority from this Commission for the transportation of general commodities with certain exceptions, between Los Angeles, Riverside, San Bernardino and Colton, on the one hand, and points on various highways in the so-called desert area bounded by Palmdale, Mojave, Barstow, Bicycle Lake and Lucerne Valley on the other hand, seeks:

(1) To extend its service to include local transportation in the Los Angeles Territory, (2) to extend its lateral service area rights to include all points within nine miles of all routes it is authorized to serve, and (3) an in lieu certificate of public convenience and necessity.

Prior to the filing of the application, applicant served copies thereof on highway common carriers of both general and special commodities serving all or a portion of the proposed service area. No protests have been received by the Commission.

The Request for Authority to Provide Service
Between Points in the Los Angeles Territory.

Applicant alleges that it presently provides general commodity service under interstate authority between the Los Angeles Harbor commercial zone on the one hand, and on the other hand, points which comprise the major portion of the Los Angeles commercial zone; that it also has authority to pick up and deliver shipments in the major portion of the Los Angeles Territory where such shipments are moving to and from its authorized service area in the Mojave Desert; that, as a result of such existing service, many of its shippers located in the Los Angeles Territory frequently request that it pick up shipments destined to other points in the Los Angeles Territory or to be interlined with other line-haul carriers at the same time that it picks up or delivers shipments to them; that such requests for service arise out of the fact that over the years its shippers located in the Los Angeles Territory have found it to be a reliable and efficient carrier; that such requests also stem from the fact that there is a modern trend on the part of the shippers to tender their shipments to fewer carriers offering more complete distribution facilities since such policy tends to reduce the shipping costs of the shippers; and that the portion of the application for authority to provide service between points in the Los Angeles Territory has been filed to meet such requirements of the public.

The Request for Authority to Provide Service Between the Los Angeles Territory on the one hand, and the Riverside-Colton-San Bernardino Area on the other hand, Serving Intermediate and Lateral Points.

Applicant alleges that because it has been authorized for many years to provide service between the Riverside-Colton-San Bernardino area and the Mojave Desert area as an adjunct to its service in

the Los Angeles Territory and the Mojave Desert area, it has become an established carrier in the San Bernardino area and has received general acceptance by the public which relies upon it to provide service out of that area to the Mojave Desert area; that, as a facet of its service out of the San Bernardino area, it maintains terminal service in San Bernardino and is adequately qualified to expand its existing services to provide local service between the Riverside-Colton-San Bernardino area and the Los Angeles Territory serving intermediate and lateral points on the major highways between said areas; that the proposal to provide this service will be in the public interest in that it will permit the shippers in these two territories who presently utilize the services of applicant to and from the Mojave Desert to utilize applicant locally between the two territories and that this is a service which many of the shippers of applicant have requested it to perform and one which the applicant believes constitutes a natural outgrowth of its terminal operations in the Los Angeles Territory and in San Bernardino.

The Request for an In Lieu Certificate.

Applicant alleges that it presently has very substantial operating authority in the Mojave Desert area; that, with some exceptions, this authority generally authorizes intermediate and off-route point operations; that the proposed in lieu certificate covering the Mojave Desert area will result in very little change in the operating authority of the applicant; that the purpose of this request is to restate in one certificate a description of the operating authority which presently is set out in some eight decisions of the Commission; that in some instances there will be an increase in

the authority now held by applicant; that this is true, first, for the reason that applicant herein has attempted to describe all of the existing highways in the Mojave Desert area and such highways, in some instances, were not in existence at the time of the grants of authority to the applicant and, for the second reason, some of the authorities granted to applicant lateral service to points within three miles of the routes and others granted lateral service to points within nine miles thereof; that applicant by the herein application has asked for a uniform nine-mile lateral service over all of the existing routes in order to assure common carrier service to all developed portions of the Mojave Desert area, as well as to developed areas between the Los Angeles Territory and the Riverside-Colton-San Bernardino area; that the public in the Mojave Desert, both residential and commercial, has a critical requirement for an established and reliable highway common carrier facility familiar with its service needs; and that the proposed in lieu certificate relating to the Mojave Desert area served by the applicant will meet such public critical requirement.

For the first eleven months of the year 1959, applicant made a net income from its operations of \$33,956 before income tax, and an estimated income after income taxes of \$21,493. It has adequate equipment.

Applicant is a party to Western Motor Tariff Bureau, Inc., Local Joint and Proportional Freight Tariff No. 18-B, Cal. P.U.C. No. 17, (J. L. Beeler, Agent Series) W. J. Knoell, Issuing Officer, in the publication of its rates and charges with respect to the territories and routes which it presently serves as a highway common

carrier. It proposes to establish rates for the extended territories and routes substantially in conformity with the rates and charges presently published in said tariff. Applicant alleges it provides on-call service between all points in its existing territories and routes upon a daily basis except Sundays and holidays, and proposes to provide the same service between the extended territories and routes proposed in the application.

Based on the allegations of the application herein it is our opinion, and we find, that public convenience and necessity require that applicant be granted a certificate of public convenience and necessity as requested. Applicant's existing authority will be cancelled and an in lieu certificate of public convenience and necessity will be issued. 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. This monopoly feature may be modified or cancelled 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

An application having been filed, the Commission having found that public convenience and necessity so require, and based on said findings,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be, and it hereby is, granted to Victorville-Barstow Truck Line, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property between the points within the area particularly set forth in Appendix A, attached hereto and made a part hereof, and over the routes and between the points more particularly set forth in Appendix A, attached hereto and made a part hereof, subject to the restrictions and conditions set forth in said Appendix A.

2. That the certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes all existing certificates of public convenience and necessity heretofore granted to Victorville-Barstow Truck Line, a corporation, which certificates and operating authority are hereby cancelled and revoked concurrently with the effective date of the tariffs required thereby.

3. 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 hereby 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of April, 1960.

Ernest W. Page
President

Walter H. Hatchell

Walter H. Hatchell

Walter H. Hatchell

Walter H. Hatchell

Theodore Jenner
Commissioners

A. BETWEEN ALL POINTS AND PLACES WITHIN THE LOS ANGELES
TERRITORY AS FOLLOWS:

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.

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B. BETWEEN THE LOS ANGELES TERRITORY HEREINABOVE
DESCRIBED AND POINTS AND PLACES AS FOLLOWS:

1. Between the Los Angeles Territory and Palmdale over U. S. Highway No. 6, serving no intermediate points.
2. Between the Los Angeles Territory and San Bernardino over U. S. Highway No. 66.
3. Between the Los Angeles Territory and San Bernardino via Riverside over U. S. Highways Nos. 60 and 395.
4. Between the Los Angeles Territory and junction U. S. Highways Nos. 70 and 395 near Colton, over U. S. Highway No. 70.

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C. BETWEEN POINTS AND PLACES IN THE MOJAVE DESERT AREA

AS FOLLOWS:

1. Between Palmdale and Mojave, over U. S. Highway No. 6.
2. Between Mojave and Harvard Siding (approximately 10 miles east of Yermo), over U. S. Highway No. 466.
3. Between Palmdale and junction U. S. Highways Nos. 66-91-395, over California Highway No. 138.
4. Between San Bernardino and Barstow (including junction with U. S. Highway No. 466), over U. S. Highways Nos. 66-91.
5. Between Barstow and the Marine Corps Field Artillery and Anti-Aircraft Training Center (approximately 6 miles north of Twentynine Palms) over U. S. Highway No. 66 and unnumbered road.
6. Between Yermo and Daggett over unnumbered road.
7. Between junction U. S. Highway No. 395 with U. S. Highways Nos. 66-91 and junction U. S. Highway No. 395 with U. S. Highway No. 466, over U. S. Highway No. 395.
8. Between Lucerne Valley and junction California Highway No. 18 with U. S. Highways 66-91 near Victorville, over California Highway 18.
9. Between Victorville and Barstow, over old U. S. Highways Nos. 66-91.
10. Between Barstow and Bicycle Lake (including Camp Irwin) over unnumbered road.
11. Between Adelanto and old U. S. Highways Nos. 66-91 over unnumbered road.
12. Between Little Rock and U. S. Highway No. 466 via Redman and Edwards over unnumbered road.
13. Between junction California Highway 138 with unnumbered road (approximately six miles east of Llano) and Victorville over unnumbered road.
14. Between Lancaster and Adelanto over unnumbered road.
15. Between Rosamond and junction unnumbered road near Edwards over unnumbered road.
16. Between Palmdale and Adelanto over unnumbered road.

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D. BETWEEN INTERMEDIATE AND OFF-ROUTE POINTS AS
FOLLOWS:

1. Serving all intermediate points and all off-route points located laterally within nine miles of all the routes described above except intermediate and off-route points east of Newberry on U. S. Highway No. 66 and on unnumbered highway between Amboy and Marine Corps Field Artillery and Anti-Aircraft Training Center near Twentynine Palms, and except intermediate and off-route points on U. S. Highway No. 6 between the Los Angeles Territory and Palmdale.
2. Operating over all accessible public highways between all of said termini, intermediate and off-route points in combination one with the other.

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