

**ORIGINAL**

Decision No. 60008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
WALTER G. MITCHELL, JR., an individual  
doing business as AUTO FAST FREIGHT,  
for a certificate of public convenience  
and necessity extending his operations  
as a common carrier for the transporta-  
tion of property and for removal of a  
certain restriction under his present  
authority.

Application No. 41557

Donald Murchison, for Auto Fast Freight,  
applicant.

O P I N I O N

Public Hearings were held in this matter on January 22 and March 15, 1960, before Examiner Grant E. Syphers at Los Angeles. Evidence was adduced and on the last-named date the matter was submitted. This applicant now has authority to transport general commodities, with certain exceptions, between a designated area in the City of Los Angeles, on the one hand, and, on the other hand, certain mountain resort areas in the San Bernardino Mountains, San Bernardino, and intermediate points along designated highways, and Santa Ana and specified intermediate points.<sup>1</sup> In the instant application

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<sup>1</sup> By Decision No. 48382, dated March 24, 1953, in Application No. 34102, Walter G. Mitchell, Jr., acquired from Max H. Green a certificate of public convenience and necessity authorizing transportation of general commodities between San Bernardino and certain mountain points. By Decision No. 50332, dated July 27, 1954, in Application No. 34731, applicant's certificate was extended to include a designated area in Los Angeles. By Decision No. 53164, dated May 28, 1956, in Application No. 36404, applicant's rights were further expanded.

authority is requested to extend the present certificated area in the Los Angeles territory, to remove an existing restriction against through routes and joint rates, and to establish a direct service between San Bernardino and Costa Mesa via State Highways 55 and 18 and U. S. Highway 91.

The evidence discloses that the applicant is able to supply the extended service. He has adequate equipment, he has the necessary experience and financially his position is sound. There was no opposition to his proposal. Various shipper witnesses testified to the effect that they would use the proposed service and that they had a need therefor. They also pointed out that they used applicant's existing service which they found to be very satisfactory.

Upon consideration of all of the evidence adduced herein we find that public convenience and necessity require that the application be granted in the manner set forth in the ensuing order which will provide for an in lieu certificate combining all of applicant's operating authority.

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

Public hearings having been held, and based upon the evidence adduced herein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Walter G. Mitchell, Jr., 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 Appendices A and 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 and insurance requirements of the Commission's General Order No. 100-A. 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 Orders Nos. 99 and 100-A, 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 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 or acquired by Walter G. Mitchell, Jr., which certificates are hereby cancelled and revoked, said revocation to become effective concurrently with the effective date of tariff filings required by paragraph (2)b hereof.

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

Dated at San Francisco, California, this 26th day of April, 1960.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Theodore James  
Commissioners

Walter G. Mitchell, Jr., an individual doing business as Auto Fast Freight, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between:

1. Points and places in the Los Angeles area as is more particularly described in Appendix B attached hereto and made a part hereof, on the one hand, and on the other, Redlands, including intermediate points over and along, and points laterally within three miles of U. S. Highways 60, 70 and 99.
2. The said Los Angeles area and San Bernardino including intermediate points over and along:
  - (a) U. S. Highway 66.
  - (b) U. S. Highways 60, 70 and 99 between the said Los Angeles area and Pomona; U. S. Highway 60 between Pomona and Riverside, and U. S. Highway 91 between Riverside and San Bernardino.
3. The said Los Angeles area, on the one hand and, on the other, Whittier, Fullerton and Santa Ana. This authority does not include the right to render service to, from or between intermediate points.
4. The said Los Angeles area, on the one hand and, on the other, Crestline, Lake Arrowhead and Big Bear Lake and intermediate and off-route points within three miles laterally of the highways involved on routes as hereinafter described, subject to the following condition and restriction:

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When operating over the alternate route via Victorville and Lucerne Valley applicant shall not render service to nor from any point intermediate of Lucerne Valley and his terminus in the City of San Bernardino.

(a) San Bernardino-Lake Arrowhead:

Between San Bernardino and Lake Arrowhead, in the County of San Bernardino, State of California, over State Highway 18. Intermediate points served include Arrowhead Springs Hotel, Old Waterman Canyon Road, Crestline, Cedar Pines Park, Camp Seeley, Lake Gregory, Club San Moritz, Arrowhead Highlands, Pinecrest, Twin Peaks, Alpine, Alpine Club, Blue Jay, Lake Arrowhead Village, Cedar Glenn, Lake Brook Park, Arrowhead Manor, Los Angeles Boy Scout Camp, and North Shore Lake Arrowhead.

(b) San Bernardino-Big Bear Lake via Waterman Canyon:

San Bernardino to Big Bear Lake over State Highway 18 (Rim of the World Drive), Intermediate points served include Sky Forest, Running Springs, Arrowbear Lake, Green Valley, Los Angeles Y. M. C. A. Camp, Snow Valley, Big Bear Dam, Fawnskin, Fawnskin Public Camp, Big Bear City, Big Bear Park, Moonridge and Big Bear Lake.

(c) San Bernardino-Big Bear Lake via City Creek Road:

San Bernardino to Big Bear Lake via City Creek Highway and Rim of the World Drive. Intermediate points served include City Creek Bridge, Dutch John's, Barrel Springs, and Smiley Park.

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- (d) San Bernardino-Big Bear Lake via Victorville Alternate route from San Bernardino to Big Bear Lake via Cajon Pass, Victorville, Lucerne Valley, and Box S. Ranch. This route to be used only during such times as State Highway 18, the Rim of the World Drive, is impassable.
5. San Bernardino and Riverside, California, on the one hand, and Santa Ana, California, on the other hand, via U. S. Highways 395 and 91, State Highways 18 and 55 and the Santa Ana Canyon Road; serving all intermediate points and the off-route point of Costa Mesa and points laterally within three miles of said highways and road.

The service heretofore authorized is subject to the following conditions and restrictions:

1. Applicant shall not transport any shipments of:
  - (a) 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.
  - (b) 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.
  - (c) 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.

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- (d) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- (e) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- (f) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- (h) Logs.

2. Routes:

Within the said Los Angeles area applicant may operate along the most appropriate highways, streets or roads.

End of Appendix A

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The Los Angeles area is described as follows:

That territory bounded on the south by the Pacific Ocean; on the west by Western Avenue, Sunset Boulevard and State Highway 7; on the north by San Fernando Road, State Highway 118, U. S. Highway 66 to State Highway 19; and on the east by State Highway 19, Lower Azusa Road, San Gabriel River and Lakewood Boulevard to the Pacific Ocean.

End of Appendix B