

**ORIGINAL**

Decision No. 60235

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF:

IMPERIAL TRUCK LINES, INC., a corporation,  
for the certificate of public convenience  
and necessity to operate as a highway common  
carrier of general commodities with some ex-  
ceptions:

- a) Between points in the Los Angeles Basin Region, as defined, on the one hand, and all presently authorized points in Riverside and Imperial Counties, on the other hand;
- b) Between Los Angeles Basin Region Points, as defined, on the one hand, and certain points in San Diego County Territory, on the other hand;
- c) Between certain points in the San Diego County, on the one hand, and on the other hand all presently authorized points in Imperial and Riverside Counties, as an extension of existing service pursuant to Sections 1063-1064 of the California Public Utilities Code.

Application  
No. 41580

Glanz & Russell, by Theodore W. Russell and William R. Pippin, for applicant.  
C. N. Bailey, for California Cartage Company, Inc., and Robert W. Walker and Matthew H. Witteman, by Matthew H. Witteman, for The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Transportation Company, protes-  
Edgar J. Langhofer, for the San Diego Chamber of Commerce, and William R. Daly, for the Port of San Diego, interested parties.  
tants.

O P I N I O N

Public hearings were held in this matter on January 26 and 27, 1960, at Los Angeles, and on February 23, 1960, at El Centro,

before Examiner Grant E. Sypers. On these dates evidence was adduced and on the last named date the matter was submitted subject to the filing of affidavits by the parties. These now have been filed and the matter is ready for decision.

The applicant now has a certificate of public convenience and necessity issued by this Commission in Decision No. 58445, dated May 19, 1959, in Application No. 39687, authorizing the transportation of general commodities between a designated area in and around Los Angeles, a designated area in Imperial Valley, and a designated area in Coachella Valley. Likewise the applicant is authorized to haul between points and places within the Imperial and Coachella Valley Territories and via certain designated routes between all of the territories served, with certain intermediate points. It now requests authority to extend its Los Angeles Territory to include the so-called "kite" area, to add a San Diego Territory, and to permit hauling between the Los Angeles, San Diego, Coachella and Imperial Valley Territories. No local hauling is proposed in the San Diego Territory or in the Los Angeles Territory.

The evidence discloses that this applicant possesses the necessary equipment and financial ability to provide the proposed service. The evidence also discloses that many shipper witnesses testified in favor of the proposal. In opposition to the application, protestants presented evidence showing that they are now operating in the proposed areas and that they have the

necessary equipment and facilities to conduct such operations and to expand them if necessary.

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 restating all of applicant's operating authority.

Imperial Truck Lines, Inc., 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 modified or canceled 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

Application as above entitled having been filed, public hearings having been held thereon, the Commission being fully advised in the premises and having made the foregoing findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Imperial Truck Lines, Inc., a corporation,

authorizing operations 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 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 Imperial Truck Lines, Inc., a corporation, which certificates are hereby cancelled and

revoked, said revocation to become effective concurrently with the effective date of the 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 6<sup>th</sup> day of June, 1960.

Ernest B. Page  
President  
John Mitchell  
Theodore Jensen

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Commissioners

Matthew J. Dooley  
Commissioner S. Lynn 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:

1. Los Angeles Basin Region, on the one hand, and Coachella Valley Territory and Imperial Valley Territory together with Winterhaven and points on U. S. Highway No. 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;
2. All points and places in the Coachella Valley Territory;
3. All points and places in the Imperial Valley Territory.
4. All points and places on U. S. Highway No. 80 between Winterhaven and Imperial Valley Territory, including Winterhaven, and all points and places on U. S. Highway No. 99 and State Highway No. 111 between Imperial Valley Territory and the Coachella Valley Territory. (Said points on said U. S. Highways Nos. 80 and 99 and State Highway No. 111 will be referred to hereafter collectively as "Highway 80, 99 and 111 Points");
5. Between Coachella Valley Territory points on the one hand and High 80, 99 and 111 Points and points in Imperial Valley Territory, on the other hand;
6. Between Imperial Valley Territory points, on the one hand, and Highway 80, 99 and 111 Points on the other hand.
7. The Los Angeles Basin Region on the one hand, and the San Diego Territory, together with all points and places on and within a distance of ten miles.

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## 7. (Continued)

laterally on either side of U. S. Highway No. 101 and U. S. Highway No. 395 between the northerly boundary of San Diego County and the northerly boundary of the San Diego Territory, all on the other hand.

8. Between the San Diego Territory and all points and places on and within a distance of ten miles laterally on either side of U. S. Highway No. 101 and U. S. Highway No. 395, between the northerly boundary of San Diego County and the northerly boundary of San Diego Territory, all on the one hand, and, on the other hand, all points and places in Coachella Valley Territory, and Imperial Valley Territory, together with Winterhaven and points on U. S. Highway No. 80 between Winterhaven and Imperial Valley Territory and points on U. S. Highway No. 99 and State Highway No. 111 between Imperial Valley Territory and Coachella Valley Territory.

- a. No service shall be performed between any two points both of which are located within San Diego County.
- b. No service shall be performed to or from any point located within the boundary of the United States Navy Ammunition Depot in the vicinity of Fallbrook, California.

Los Angeles Basin Region, Coachella Valley Territory, Imperial Valley Territory and San Diego Territory mean all points included within the boundaries of each as delineated on Appendix B attached hereto.

- (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) 1. or (B) above.

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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.

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## Descriptions of territories:

LOS ANGELES BASIN REGION includes that area embraced by the following boundary: Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence northerly and easterly along the boundary of the City of Los Angeles to its point of first intersection with the boundary of the Angeles National Forest; thence along the southerly boundary of the Angeles National Forest, and southerly boundary of the San Bernardino National Forest to the point of first intersection of the southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County Line, thence westerly along the San Bernardino-Riverside County Line to a point on said line distant five miles east from the junction of said County Line and U. S. Highway No. 91, thence southwesterly along a line parallel to and distant five miles from U. S. Highway No. 91, State Highway No. 55, and the prolongation of State Highway No. 55 to its junction with the Pacific Ocean. Thence westerly and northerly along the Coast Line of the Pacific Ocean to the point of beginning.

COACHELLA VALLEY TERRITORY includes the area on and within ten (10) miles laterally on either side of U. S. Highway No. 99 and California State Highway No. 111 between the junction of said highways approximately 5.6 miles east of Cabazon and the junction of each of said highways and the southerly boundary of Riverside County, but not including any points or places in Morongo Valley.

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## Descriptions of territories (Continued):

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.

SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways Nos. 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 305; 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.

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