

Decision No. 60748**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GRILEY SECURITY FREIGHT LINES, a
 corporation, for a certificate of
 public convenience and necessity to
 extend highway common carrier service.

Application No. 42144

Bertram S. Silver, for applicant.O P I N I O N

Applicant is a highway common carrier with authority to serve the greater part of Los Angeles Basin Territory and also between that territory and Goleta, Point Mugu and intermediate points. By the present application filed April 12, 1960, it seeks authority to serve between its present basin points and Fresno, Paso Robles, San Ysidro and Calexico with service to intermediate and lateral points.

There was no protest to this application. Public hearing was held before Examiner John Power at Los Angeles on June 15, 1960 and the matter submitted subject to the receipt of a late-filed exhibit. The exhibit has been received and the matter is ready for decision.

Applicant presented operating testimony and public witnesses at the Los Angeles hearing. When no opposition developed, the majority of the witnesses' testimony was presented by means of the late-filed exhibit previously mentioned.

The shipper witnesses had made use of the services of applicant and had found them desirable. Better handling of freight

and better pickup and delivery were among the other reasons given for supporting the application. They also cited dock space problems leading to a desire to reduce the number of carriers used. The shipper witness testimony is to some extent supported by the fact that this carrier has been able to earn a substantial gross revenue in its rather limited area.

The Commission finds and concludes that public convenience and necessity require that the sought authority be granted to the extent set forth in the following order.

Applicant's fitness and ability to render the proposed expanded service were supported by the operating testimony and four exhibits. Applicant has a fleet of 148 units and 3 terminals. Its president estimated that sixteen to eighteen pieces of equipment and three terminals would have to be added at the outset. Finances and personnel are adequate. The Commission is of the opinion that applicant will be able to institute the proposed service.

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 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

Public hearing having been held and based upon the evidence adduced therein and the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Griley Security Freight Lines, 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 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 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 to 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 authorizing the transportation of general commodities heretofore granted to or acquired by Griley Security Freight Lines, which certificates are hereby canceled 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 13th day of SEPTEMBER, 1960.

C. W. [Signature]
 President

[Signature]

[Signature]

 Commissioners

Matthew J. Dooley
 Commissioner S. Theodore H. Jenner, being
 necessarily absent, did not participate
 in the disposition of this proceeding.

Griley Security Freight Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the points hereinafter designated:

1. All points and places in the designated "Los Angeles Area" as said area is described on Appendix B hereto attached.
2. Between all points and places on and within 25 miles laterally of the following described routes subject to the restrictions hereinafter noted:
 - (a) Between San Ysidro and Paso Robles over U.S. Highways 101 and 101 Alternate. (See Restriction 2 hereof.)
 - (b) Between Ventura and Fresno over U.S. Highway 399 to State Highway 33, thence over State Highway 33 to State Highway 41, thence over State Highway 41 to Fresno. (See Restriction 2 hereof.)
 - (c) Between Paso Robles and Famoso over State Highway 41 and U.S. Highway 466. (See Restriction 2 hereof.)
 - (d) Between Los Angeles and Fresno over U.S. Highway 99. (See Restrictions 1 and 2 hereof.)
 - (e) Between Ford City and Greenfield over U.S. Highway 399.
 - (f) Between junction U.S. Highway 99 (near Oildale) and Fresno via State Highways 65, 63, Orosi, Cutler, Dinuba, Kingsburg and Sanger.
 - (g) Between San Diego and San Bernardino via U.S. Highway 395.
 - (h) Between Riverside and Colton, on the one hand, and Calexico, on the other hand, via U.S. Highways 60, 70, 99 and State Highway 111. (See Restriction 3 hereof.)

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- (i) Between San Diego and Junction U.S. Highway 99 near El Centro via U.S. Highway 80.

Applicant may make use of any street, road, highway, ferry or toll bridge necessary or convenient for the purpose of performing the service herein authorized.

Through routes and rates may be established between any and all points specified in subparagraphs 1 and 2(a) through (i) above.

Restrictions - The lateral 25-mile authority hereinabove set forth shall not include the right to serve:

1. Any point which is located both east of U.S. Highway 99 (not including points on U.S. Highway 99) and north of the Los Angeles Area between Los Angeles and Bakersfield.
2. Any point located northerly of the northerly boundary lines of San Luis Obispo County or Fresno County.
3. Any point on the unnumbered highway connecting U.S. Highways 60, 70, 99 and the community of Twentynine Palms.

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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. (Provided that this exception to general commodities shall not apply to service between the City of Los Angeles and Goleta and intermediate points on U.S. Highways 101 and 101 Alternate, and further provided that special equipment shall not be used in the transportation of any of the commodities listed in this paragraph 2.)
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.
7. Logs.

End of Appendix A

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LOS ANGELES AREA

The term "Los Angeles Area" as used in this order means all points and places included within and three miles laterally of the following boundary line:

Beginning at the intersection of State Highway No. 27 and U.S. Highway No. 101, Alternate; northerly on State Highway No. 27 to a point where the city limits of the City of Los Angeles is intersected thereby; westerly, northerly and easterly along said city limits of Los Angeles to its intersection with the southerly boundary of the Angeles National Forest at a point approximately 1.2 miles east of the joinder of U.S. Highways Nos. 6 and 99; 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 and including the City of Redlands; westerly along U.S. Highway No. 99 to U.S. Highway No. 395; southerly along U.S. Highway No. 395 to Alessandro; westerly along unnamed county road to Arlington; southwestly along State Highway No. 18 to U.S. Highway No. 91; westerly along U.S. Highway 91 to State Highway No. 55; southerly on State Highway No. 55 to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of State Highway No. 27 and U.S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.

End of Appendix B

Issued by California Public Utilities Commission.

Decision No. 6074S, Application No. 42144.