

ORIGINALDecision No. 50984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 INTERLINES MOTOR EXPRESS, a corpora-)
 tion, for a certificate of public)
 convenience and necessity to extend)
 highway common carrier service.)

Application No. 42141

Bertram S. Silver, for applicant.

Willard S. Johnson, for Hills Transportation Co., J. Christenson Co., Ted Peters Trucking Co., Inc., and Karlson Bros. Trucking Service; Berol and Geernaert by Bruce R. Geernaert and George M. Carr, for Blankenship Motors, Consolidated Freightways Corporation of Delaware, Pacific Intermountain Express, California Motor Express, et al. and Merchants Express of California; Frank Loughran, for Di Salvo Trucking Co., protestants.

O P I N I O N

This application was filed on April 12, 1960. Hearings were held before Examiner John Power beginning June 1, 1960. Five days of hearing were devoted to applicant's presentation and Interlines rested on July 21, 1960, at San Francisco. After three further days of hearing, all at San Francisco, and devoted to protestants' showings, the matter was submitted on August 19, 1960.

Protestants raised an issue concerning the trade between the Los Angeles Basin and points in the Pacific Northwest. Interlines currently has joint rates on file with the Interstate Commerce Commission covering traffic between Interlines present service points in Northern California and Pacific Northwest points over an interchange at Alturas. Protestants fear that this arrangement will be extended to Los Angeles. It is clear that traffic of this nature involving two, or, sometimes three states, could not be adequately

regulated by a State agency even if the Commission had constitutional jurisdiction, which clearly it does not. Congress has occupied this field by the Motor Carriers Act. The protest cannot be entertained in so far as it concerns this issue.

Interlines now possesses a general commodity certificate authorizing service in the San Francisco Bay and Sacramento Valley regions, along U. S. Highway No. 299 from Humboldt Bay to Alturas, from Williams to, and all the way around Clear Lake, between Oroville and Pulga and between Stockton and Sacramento. The instant application seeks to extend this authority along U. S. Highway No. 99 to Los Angeles Basin and San Diego Territory.

Interlines devoted most of its five days of hearing to the presentation of public witnesses, shippers and receivers of freight. These witnesses had become familiar with applicant's services in various ways. They expressed a need for such a service and stated that they would use the service if it became available.

Two points were especially emphasized in this testimony. A number of the witnesses were merchants from the cities on U. S. Highway 299. These communities are small and, apparently, some are served by Interlines only. As a result shipments out of Southern California (which are interlined to applicant at Oakland and Sacramento) are delayed. These witnesses have no single line service from Southern California available to them and they are very anxious to get one.

Several Southern California witnesses represented the frozen food industry. They testified that some additional service was needed in their field especially for less-truckload shipments.

It appears, and the Commission finds, that public convenience and necessity require that the authority applied for should be granted as provided by the following order.

Applicant proposes to add to its facilities as needed. The tentative plan is to establish a terminal in Los Angeles and agency stations at Modesto, Fresno, Bakersfield and San Diego at the outset. These facilities will be expanded or added to as need develops. Applicant's financial condition is adequate for the purposes of the application. The fleet will have to be increased, pickup and delivery equipment being needed. The Commission finds that applicant has ability to meet its expanded obligations to the public.

Interlines Motor Express, a corporation, 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

An application having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to Interlines Motor Express, a corporation, authorizing it to operate as a highway common carrier, as defined in

Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth in Appendices A, B and C 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:

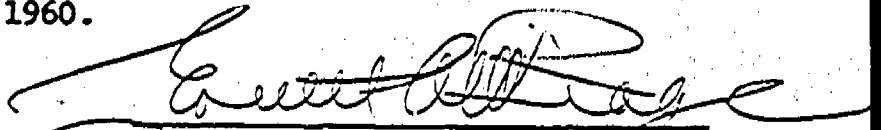
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual 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 the certificates of public convenience and necessity granted by Decisions Nos. 59399 and 59862, 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.

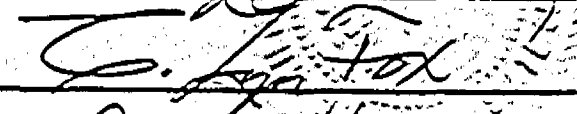
The effective date of this order shall be twenty days after the date hereof.

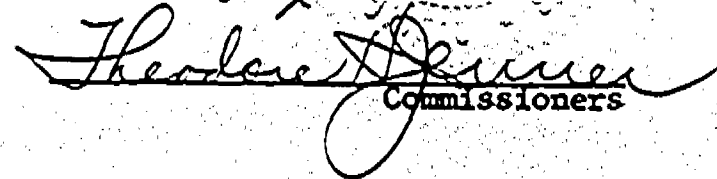
Dated at Los Angeles, California, this 1st day of November, 1960.



President








Commissioners

Interlines Motor Express, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

1. To, from and between all points and places located in San Francisco Territory as described in Appendix B hereto attached and points and places located within ten miles of the boundaries of said San Francisco Territory.
2. On or within ten miles of U. S. Highway 40 from Richmond to Roseville inclusive.
3. Within a radius of twenty miles of Sacramento.
4. All points and places on or within twenty miles of U. S. Highway 99-E between Roseville and Red Bluff inclusive.
5. On or within twenty miles of U. S. Highway 99-W between its junction with U. S. Highway 40 near Davis to Red Bluff inclusive.
6. On or within ten miles of U. S. Highway 40-A from Oroville to Pulga inclusive.
7. On or within twenty miles of U. S. Highway 99 between Red Bluff and Redding.
8. Within a radius of twenty-five miles of Redding.
9. On or within twenty miles of U. S. Highway 299 from the junction of said highway with U. S. Highway 101 near Arcata to Alturas inclusive, subject to Notes 1A, 1B and 1C.
10. On or within ten miles of U. S. Highway 101 from its junction with U. S. Highway 299 near Arcata to Scotia inclusive, subject to Notes 1B and 1C.
11. On or within ten miles of State Highway 89 from its junction with U. S. Highway 299 to Bartle.

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12. On or within three miles of State Highway 20 from Williams to Upper Lake inclusive.
13. On or within three miles of State Highway 29 from Upper Lake to and including Middletown.
14. On or within three miles of State Highway 53 from its junction with State Highway 20 near Lower Lake to Middletown.
15. On or within ten miles of U. S. Highway 50 from San Lorenzo to Stockton inclusive.
16. On or within twenty miles of U. S. Highways 99 and 50 between Stockton and Sacramento inclusive.
17. On or within ten miles of State Highway 4 from its junction with U. S. Highway 40 near Pinole, to and including Stockton and from its intersection with unnumbered highway north of Byron to U. S. Highway 50 near Tracy.
18. On or within twenty miles of U. S. Highway 99 between Stockton and Los Angeles Basin Territory as described in Appendix C hereto attached.
19. On or within twenty miles of U. S. Highway 101 between Los Angeles and San Ysidro.

Service is authorized to be rendered from, to and between all authorized service points and areas via all available streets, roads, highways, ferries and toll bridges, and via most direct route, except as provided in Notes 1A, 1B and 1C hereof.

Note 1A: Shipments moving between points located on U. S. Highway 101 between Scotia and Trinidad or laterally on either side of said highway, on the one hand, and on the other hand, points south of Redding, including the San Francisco Bay Area, must be physically transported via U. S. Highways 99, 99-W or 99-E through Redding.

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Note 1B: No local service is authorized between points located on U. S. Highway 101 between Trinidad and Scotia inclusive, and points laterally adjacent to said highway, on the one hand, and on the other hand, points located on U. S. Highway 299 from its junction with U. S. Highway 101 near Arcata to and including Willow Creek, and points laterally adjacent to said highway.

Note 1C: No service is authorized at points located on State Highway 96 north of Willow Creek or at points on State Highway 36 between Forest Glen and the junction of said State Highway 36 with U. S. Highway 101 at Alton or at points located laterally from said State highways.

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 semiplastic 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.

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Appendix A

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(a corporation)

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6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Commodities of unusual value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

End of Appendix A

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SAN FRANCISCO TERRITORY includes all the City of San Jose and 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 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; north-easterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 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 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestly 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 waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; 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 the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.