

ORIGINALDecision No. 60988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BOULEVARD TRANSPORTATION COMPANY, a)
 corporation, for the extension of)
 its certificates of public conven-)
 ience and necessity as a highway)
 common carrier of property. }

Application No. 42393

Ivan McWhinney, for applicant.O P I N I O N

Boulevard Transportation Company presently transports general commodities with the usual exceptions between all points and places in the Los Angeles Basin Territory. By this application filed June 20, 1960, it requests authority to expand the Los Angeles service area to the east and also to incorporate a small additional area in the northwest portion of the San Fernando Valley, and to serve that area on the one hand and on the other hand to serve an area in and around San Diego as well as intermediate points along U. S. Highway 101 and 101 Alternate.

A public hearing was held in San Francisco on September 27, 1960, before Examiner Rowe. Competitors had been duly notified but no one appeared in protest. Evidence was adduced and the matter was duly submitted for decision.

The undisputed evidence shows that more than fifty substantial shippers require the proposed service and that applicant is properly equipped, experienced and financially able to adequately perform it. From this evidence of record the Commission finds that public convenience and necessity require that applicant be granted the extended highway common carrier rights requested. This will be accomplished by the issuance of a new certificate of public convenience and necessity combining all of its operating authority, and, canceling its existing highway common carrier rights.

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

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Boulevard Transportation Company, a corporation, authorizing the transportation of property as a highway common carrier as defined by Section 213 of the Public Utilities Code between the points and over the routes as set forth in Appendix A attached hereto and made a part hereof.

2. 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 supercedes the certificate of public convenience and necessity granted by Decision No. 54241, dated December 11, 1956, in Application No. 36488, as amended by Decision No. 54623, dated March 5, 1957, in Application No. 36488, which certificate is 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.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

Boulevard Transportation Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities with the exceptions hereinafter noted:

(1) Between all points within the Greater Los Angeles Area as hereinafter described, and

(2) Between all points in said area on the one hand and on the other hand, all points in the San Diego Territory as hereinafter described over and along U. S. Highways 101 and 101-A from Los Angeles to San Diego, serving all intermediate points on said highways and all off-route points located within five miles of said highways including El Toro Marine Base.

The Greater Los Angeles Area is described as follows:

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, alternate; thence north-easterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to Ventura Boulevard; westerly along Ventura Boulevard to Topanga Canyon Boulevard; northerly along Topanga Canyon Boulevard to Santa Susana Avenue; northerly along Santa Susana Avenue to San Fernando Mission Boulevard; easterly and northeasterly along San Fernando Mission Boulevard and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest boundary and San Bernardino National Forest boundary to the Riverside County boundary east of Yucaipa; southerly and westerly along the Riverside County boundary to a point directly north of Redlands Boulevard; southerly from said point along an imaginary line and along Redlands Boulevard to Alessandro Avenue in Moreno; westerly along Alessandro Avenue to Perris Boulevard; southerly along Perris Boulevard to the county road paralleling the southerly boundary of March Air Force Base; westerly along said county road to U. S. Highway No. 395; northerly and easterly along U. S. Highway No. 395 to State Highway No. 18; southwesterly along

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State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 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 Sunset Boulevard and U. S. Highway No. 101, alternate; thence northerly along an imaginary line to point of beginning.

The San Diego Territory is described as follows:

Beginning at the northerly junction of U. S. Highways 101E and 101W approximately 4 miles north of La Jolla; thence easterly to Miramar on U. S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonio on U. S. Highway 80; thence southeasterly to Jamul on State Highway No. 95; thence due south to the International Boundary Line; thence west to the Pacific Ocean; thence north along the Pacific Ocean to the point of beginning.

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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.

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5. 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.

End of Appendix A

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