

Decision No. 61085

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOS ANGELES CITY EXPRESS, INC., a)
California corporation, for a Certif-)
icate of Public Convenience and)
Necessity, authorizing removal of a)
certain restriction under its present)
certificate, and extension of its)
present authority and issuance of)
an In Lieu certificate.)

Application No. 42580

First Supplemental Order Modifying Decision No. 60972
and Dismissing Petition For Rehearing.

Los Angeles City Express, Inc. by Decision No. 60972, issued ex parte in the above-entitled matter and dated November 1, 1960, was granted a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities in; (a) the Los Angeles Basin Territory; (b) between the Los Angeles Basin Territory and points in the Twentynine Palms, Indio, Palm Springs, Banning area; and (c) between the Los Angeles Basin Territory and points in the Victorville, Barstow, Mojave, Lancaster area.

A petition for rehearing of said Decision No. 60972, was filed November 7, 1960, by Desert Express and Victorville-Barstow Truck Line which by the terms of Section 1733 of the Public Utilities Code suspended the order in said decision. It appears that the above petitioners through a joint letter written by their counsel on August 22, 1960, indicated a desire to protest the instant application and asked to be notified of any hearing held in such matter. Through inadvertence or oversight the existence of this letter did not come to the attention of the Commission. The formal file shows that all

carriers, (some 71) who might be competitive with applicant, were served with copies of the application. Not being aware of any objection thereto and basing its decision on the record, the Commission granted the authority sought by applicant.

A stipulation was received on November 10, 1960, which was entered into by counsel for applicant and the two petitioners for rehearing, Desert Express and Victorville-Barstow Truck Line. Petitioners and applicant stipulate thereby that said Decision No. 60972 may be modified to delete from the appendix, defining the operative rights, that portion relating to service between the Los Angeles Basin Territory and points in the Victorville, Barstow, Mojave, Lancaster area and to add a restriction against service to the Marine Corps Field Artillery Anti-Aircraft Training Center near Twentynine Palms. It was stipulated also that the portion of the application relating to the above deleted and restricted areas should be set for hearing before the examiner to whom the matter was heretofore assigned as soon as practicable. The parties further stipulated that in all other respects said Decision No. 60972 should go into effect and that upon such modification the Petition for Rehearing should be withdrawn.

The Commission having considered the record herein, including the procedural circumstance involved and the stipulation, finds and concludes that Decision No. 60972 should be modified as above indicated and that the Petition for Rehearing of said decision should be dismissed.

Therefore, good cause appearing,

IT IS ORDERED:

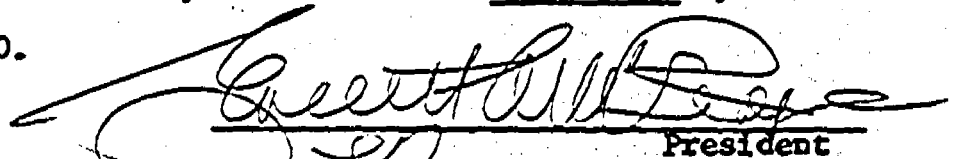
(1) That Decision No. 60972 in Application No. 42580 is amended by substituting Revised Page 1 for Original Page 1 of Appendix A to said decision, which said revised page is attached hereto and made a part hereof.

(2) That Application No. 42580 in so far as it relates to service between the Los Angeles Basin Territory and points in the Victorville, Barstow, Mojave, Lancaster area and as to the restriction against service to the Marine Corps Field Artillery Anti-Aircraft Training Center is reopened for hearing, to be held before Commissioner Mitchell or Examiner Rogers at such time and place as may hereafter be determined.


(3) That the Petition For Rehearing of Decision No. 60972 filed by Desert Express and Victorville-Barstow Truck Line is dismissed.

The effective date of this order shall be the date hereof.


Dated at San Francisco, California this 22nd day of November, 1960.



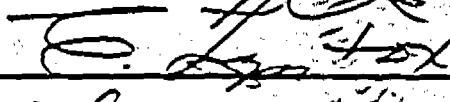
President



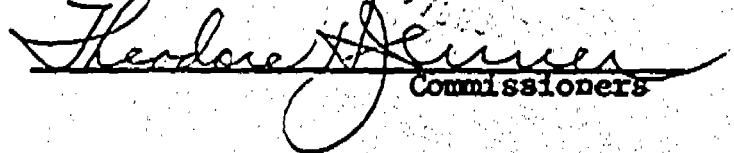
Examiner



Examiner



Examiner



Commissioners

Los Angeles City Express, Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

1. BETWEEN all points and places within the Los Angeles Basin Territory as described in Appendix B attached hereto.
2. BETWEEN the Los Angeles Basin Territory, on the one hand, and, on the other hand, all points and places located on and along and within ten miles laterally of the following routes:
 - a. U.S. Highway 99 between Redlands and Coachella, inclusive.
 - b. U.S. Highway 60 between Riverside and Beaumont, inclusive.
 - c. State Highway 111 between the junction with U.S. Highway 99 near Whitewater and Mecca, inclusive.
 - d. Unnumbered highway known as Twentynine Palms Highway between the junction with U.S. Highway 99 near Whitewater and Twentynine Palms, inclusive.

Restriction:

No service shall be rendered to or from the Marine Corps Field Artillery Anti-Aircraft Training Center near Twentynine Palms.

Issued by California Public Utilities Commission.

Decision No. 51085, Application No. 42580.

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; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly 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; southwesterly 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.