

ORIGINALDecision No. 61185

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEORGE F. LLOYD TRANSPORTATION CO.,)
 a corporation, for an expansion and)
 restatement of its certificate of)
 public convenience and necessity)
 authorizing highway common carrier)
 service.)

Application No. 42351

O P I N I O N

This application was filed June 14, 1960 by George F. Lloyd Transportation Co., a corporation which presently has authority from this Commission^{1/} to transport as a highway common carrier, coffee, feed (animal or poultry, prepared), canned goods and certain other articles between San Francisco Territory and Los Angeles Territory, on the one hand, and Sacramento, on the other hand. Applicant now asks authority to carry general commodities, except uncrated used household goods, livestock, petroleum products in bulk when transported in tank vehicles, and fresh fruits and vegetables, as follows:

1. Between all points on or within 20 miles of the following routes:
 - a. U. S. Highway 99 between Los Angeles Basin Territory (as described in Item 270-A of Minimum Rate Tariff No. 2) and Sacramento, inclusive;
 - b. U. S. Highways 40 and 50 and State Highway 24 between the San Francisco Territory (as described in Item 270-3-C of Minimum Rate Tariff No. 2) and Sacramento, inclusive;
2. Between all points and places within 20 miles of Sacramento.

1/ Decision No. 53468, dated July 20, 1956, and Decision No. 53929, dated October 16, 1956, both in Application No. 36371.

3. Via any and all routes between the points described above for operating convenience only;
4. And to be restricted against local service between points and places in San Francisco Territory and Los Angeles Basin Territory, respectively.

By notice to all interested parties, who had also received copies of the application, this matter was, on August 12, 1960, set for hearing on September 14, 1960. However, because of the serious illness of the president of applicant, such hearing is not feasible at this time. The attorney for applicant has furnished ten proposed exhibits which set forth the testimony which would be presented at any hearing, including statements by thirteen representatives of substantial shippers stating that they have need for the proposed service. These documents are hereby received in evidence and will be considered as part of the record in this proceeding. By reason of the fact that no protests have been received, and since the rights requested are in an area where in many other proceedings similar rights have been granted by the Commission without protest, the Commission is of the opinion that a public hearing is unnecessary.

After careful consideration of these documents, furnished in support of the application, the Commission is of the opinion and finds that public convenience and necessity require that the application be granted as hereinafter set forth in the following order, and that applicant is adequately qualified, by experience and financing, to exercise the requested authority.

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

Application therefor having been filed, the Commission being of the opinion that a public hearing is unnecessary and based upon the above finding,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to George F. Lloyd Transportation Co., 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 Appendices A, B and C 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 one hundred and twenty 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 Decision No. 53468, dated July 20, 1956 and Decision No. 53929, dated October 16, 1956, both in Application No. 36371, 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 18th day of December, 1960.

Carroll A. Page
 President

Walter H. Mitchell

W. Lynn Fox

Theodore Jenner
 Commissioners

I dissent on the ground
 that public convenience and
 necessity has not been
 established in the record.
Walter H. Mitchell

George F. Lloyd Transportation Co., 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 points in the San Francisco Territory as described in Appendix B attached hereto and Sacramento, including all points located within 20 miles of Sacramento and all points located on or within twenty miles laterally of the following highways:
 - a. U.S. Highway 40 between Richmond and Sacramento, inclusive.
 - b. U.S. Highway 50 between Hayward and Stockton, inclusive.
 - c. State Highway 24 between Oakland and Sacramento, inclusive.
2. Between points in the Los Angeles Basin Territory as described in Appendix C attached hereto and Sacramento, including all points located within 20 miles of Sacramento and all points located on or within 20 miles of U.S. Highway 99 between San Fernando and Sacramento, inclusive.
3. Applicant may use any and all highways and roads between the areas described for operating convenience only.
4. No local service is authorized between points and places within:
 - a. San Francisco Territory as described in Appendix B.
 - b. Los Angeles Basin Territory as described in Appendix C.

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

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 Archison, 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.