

**ORIGINAL**Decision No. 61309

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
AZUSA TRANSFER COMPANY, a corpo-  
ration, for a Certificate of Public  
Convenience and Necessity to extend  
Highway Common Carrier Service.

Application No. 42603

Phil Jacobson, for applicant.O P I N I O N

Azusa Transfer Company, a corporation, is operating under permitted authority as a radial highway common carrier, a highway contract carrier, and a city carrier. The applicant also operates as a highway common carrier under a certificate of public convenience and necessity granted by Decision No. 53225, dated June 12, 1956, in Application No. 36408, which authorizes the transportation of special commodities between points in Southern California.

Applicant now requests an in-lieu certificate of public convenience and necessity pursuant to Sections 1063 and 1064 of the Public Utilities Code, authorizing the transportation of general commodities, with certain exceptions, between points and places in the San Francisco Territory, on the one hand, and the Los Angeles Basin Territory, on the other hand; also the transportation of construction equipment of all types and kinds between the Los Angeles area and points on Highways 99, 395, 60, 66, 466 and 101, north to the Oregon border, east to the Nevada-Arizona border, and south to the Mexican border.

A public hearing was held before Examiner Edward G. Fraser on October 27 and November 9 in San Francisco and November 10, 1960

in Los Angeles. No one appeared to protest the grant of the requested certificate.

The president of the applicant corporation testified that the applicant specializes in hauling construction equipment and materials for a rapidly expanding clientele. The organizations served are engaged in varied projects scattered over most of this State. The applicant has therefore found it necessary to file this application and to request a broad certificate to enable the petitioner to haul to bridge, freeway, pipeline and building construction projects throughout the State of California.

The evidence shows that the shippers served by the applicant are shipping into a steadily expanding area and that the applicant has been asked to provide service into this extended area and to make split pickups and split deliveries therein.

Twenty shipper witnesses testified they prefer the service offered by the applicant and that it would be beneficial to their respective companies to have applicant provide service to the additional areas applicant has requested authorization to serve.

The evidence further discloses that applicant is able to supply the extended service, has adequate equipment, has the necessary experience, and is financially sound.

Upon consideration of all of the evidence adduced herein, we find that public convenience and necessity require that the application be granted in the manner set forth in the ensuing order which will provide for an expanded certificate, as requested in the application.

Azusa Transfer Company 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 hearings having been held, and based upon the evidence adduced therein and the application and representations filed herein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Azusa Transfer Company, 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 and over the routes as more particularly set forth in Appendices A, B, C, and D 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:

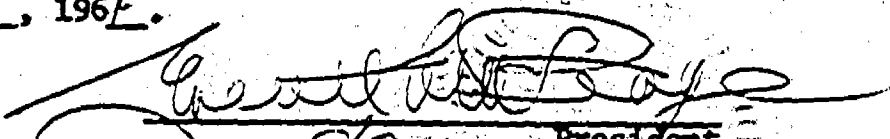
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 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 twenty days after the effective 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.

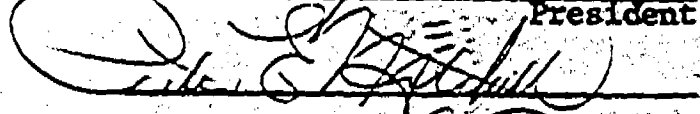
3. That the certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes the certificate of public convenience and necessity granted by Decision No. 53225, which certificate is hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

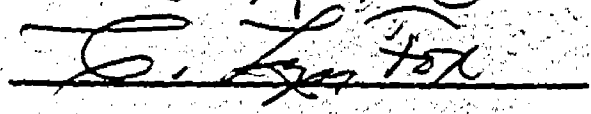
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of JANUARY, 1964.



President





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Commissioners

Azusa Transfer Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities between all points and places within the following described areas:

A. Special Commodities:

1. Beer.  
Pallets, platforms or skids, for lift trucks.  
Empty beer bottles, returning.  
Carriers, returning.

Between Azusa, on the one hand, and, on the other hand, all points in the Los Angeles Territory as described in Appendix B attached hereto, Santa Ana, Oceanside, San Diego, Santa Barbara, Bakersfield, San Bernardino, and El Centro.

2. Oranges, fresh (not cold pack or frozen).

Between Glendora, Azusa and Puente, on the one hand, and Long Beach, Wilmington and Terminal Island, on the other hand.

3. Terne Plate or Tin Plate, iron or steel.  
Pipe, iron or steel.  
Strip Steel, in coils.  
Chain, iron or steel, in coils.

Between Fontana, on the one hand, and Los Angeles, South Gate, Terminal Island and Wilmington, on the other hand.

4. IRON OR STEEL, as described under that heading in Items 53610 through 55290. (See note.)  
Iron grit or iron sand; iron borings or chilled shot, as described in Item 55350. (See note.)  
Iron, powdered, as described in Item 53600. (See note.)  
Cable, electric, as described in Items 34350 and 34360. (See note.)  
Cable clamps or joints, as described in Item 34370. (See note.)

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Cable racks, as described in Item 34380. (See note.)

Cable racks or books, as described in Items 34390 and 78890. (See note.)

Cable terminals or terminal boxes or housing or parts thereof, as described in Item 34400. (See note.)

Construction, road building, and paving equipment, materials and supplies used or which may be used in the construction, erection, maintenance, repair or dismantling of bridges, roads or highways, power, or communication transmission lines or production projects, sewer or sewerage disposal projects, aqueducts, pipelines, oil refining or processing plants, mines, iron or steel mills or processing plants, military or demolition projects, fabricated steel or metal building and other structures.

Empty pallets or empty containers returning or to be returned.

NOTE: The term "Items" as used above refers to the specified items as listed in Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof and Supplements 9, 11, 13, 15 and 12 thereto.

Between any and all points on or within 20 miles laterally of the following named highways:

- (a) U.S. Highways 101, 101 By-Pass and 101 Alternate between San Francisco and the California-Mexico Line, inclusive.
- (b) U.S. Highways 99, 99-E, and 99-W between the Oregon-California State Line and the Mexican border, inclusive.
- (c) U.S. Highway 40 between San Francisco and the California-Nevada State Line, inclusive.
- (d) U.S. Highway 395 between the California-Nevada State Line at Topaz Lake and Junction U.S. Highway 66, inclusive.
- (e) U.S. Highway 66 between Los Angeles and Needles, inclusive.

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- (f) U.S. Highways 60 and 70 between Los Angeles and Arizona State Line, inclusive.
  - (g) U.S. Highways 91 and 466 between Barstow and Nevada-California State Line, inclusive.
  - (h) Through routes and rates may be established between any and all points described in subparagraphs (a) through (g) above, inclusive.
  - (i) The authority granted in paragraph 4 hereof shall be subject to the restriction that applicant shall not accept shipments less than a minimum weight of 15,000 pounds.
5. The operating authorities hereinabove set forth in paragraphs 1, 2 and 3 do not include the right to render service to, from or between intermediate points.

B. General Commodities:

1. Between all points and places in the Los Angeles Basin Territory as described in Appendix C attached hereto, on the one hand, and all points and places in the San Francisco Territory as described in Appendix D attached hereto, on the other hand.
2. The authority set forth in paragraph 1 above does not include the right to render service to, from or between intermediate points.
3. Except as to the authorities granted in paragraphs A, 1 through 4 above, applicant shall not provide local service within either:
  - (a) The Los Angeles Basin Territory as described in Appendix C attached hereto.
  - (b) The San Francisco Territory as described in Appendix D attached hereto.

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4. 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 refrigerator 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.

End of Appendix A

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LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly easterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Kimeno Street; southerly along Kimeno Street and its prolongation 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.

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.

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.