

Decision No. 61449

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LA SALLE FREIGHT COMPANY, a
corporation, for a certificate of
public convenience and necessity to
extend highway common carrier service.

Application No. 42731

Phil Jacobson, for the applicant.

O P I N I O N

La Salle Freight Company is operating under permitted authority as a city carrier and a radial highway common carrier. The applicant also transports, as a highway common carrier, special commodities, with exceptions, between Los Angeles, San Diego, and other points in Southern California, pursuant to the provisions of Decision No. 55844, dated November 19, 1957, in Application No. 39471.

Applicant now requests a restatement of its operative rights through the issuance of a new certificate of public convenience and necessity to include the service it may now perform and in addition, authorizing the transportation of general commodities, with certain exceptions, between points and places in the Los Angeles Basin Territory, on the one hand, and, on the other hand, (a) points in the San Diego Drayage Area, (b) Tecate and (c) El Centro. The applicant also asks to provide service between the San Diego Drayage Area and Tecate and El Centro, serving no intermediate points.

A public hearing was held in Los Angeles, on December 1, 1960, before Examiner Edward G. Fraser. No one appeared at the hearing in protest to the authority requested.

The evidence discloses that the applicant is able to supply the extended service. It has adequate equipment and the necessary experience, and financially its position is sound. Various shipper witnesses testified they would use the service proposed by the applicant and that they had a need therefor. They also pointed out they use applicant's existing service which they have found to be very satisfactory.

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 the applicant with a certificate of public convenience and necessity to haul general commodities, with certain exceptions.

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 having been filed, and a public hearing having been held, and based upon the above findings,

IT IS ORDERED:

1. That an in-lieu certificate of public convenience and necessity is granted to La Salle Freight Company, a corporation, authorizing it to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of property between the points 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 one hundred 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 certificate of public convenience and necessity granted by Decision No. 52789, dated March 13, 1956, in Application No. 36376, and acquired by applicant by Decision No. 55844, 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 7th day of February, 1961.

Robert A. Peag
 President

W. J. [unclear]

[unclear]

George G. Hoover

Fredrick B. Hallock
 Commissioners

La Salle Freight Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities as follows:

1. Between points in the Los Angeles Basin Territory, as described in Appendix B attached hereto, on the one hand, and on the other hand,
 - (a) Points in the San Diego Drayage Area, as described in Appendix C attached hereto, via U. S. Highways 101, and 395, serving intermediate points and off-route points within ten miles laterally of such highways.
 - (b) Tecate, serving no intermediate points.
 - (c) El Centro, and points and places within 30 miles thereof serving no intermediate points.
2. Between points in the San Diego Drayage Area, as described in Appendix C attached hereto, on the one hand, and on the other hand,
 - (a) Tecate, serving no intermediate points.
 - (b) El Centro, and points and places within 30 miles thereof serving no intermediate points.
3. Applicant shall not provide local service within either:
 - (a) The Los Angeles Basin Territory or
 - (b) The San Diego Drayage Area.

Issued by California Public Utilities Commission.

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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.

(End of Appendix A)

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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 DIEGO DRAYAGE AREA includes the area embraced by the following boundary:

Beginning at a point where the Otay River enters San Diego Bay; thence easterly along the Otay River to an intersection with Beyer Way; northerly along 3rd Street and Del Monte Avenue to Tremont Street; westerly along Tremont Street to 3rd Avenue; northerly along 3rd Avenue to Quintard Street; easterly along Quintard Street to 1st Avenue; northerly along 1st Avenue to Oxford Street; easterly along Oxford Street and the southerly boundary line of the City of Chula Vista; northerly along the easterly boundary line and its prolongation and continuing northerly along the easterly boundary line of said city; westerly and northerly along said boundary line and its prolongation to an intersection with Sweetwater Road; easterly along Sweetwater Road and Valley Road to the southerly boundary line of the City of San Diego; easterly, northerly, westerly, northerly, and easterly along said boundary line to an intersection with the southerly prolongation of 69th Street; northeasterly and northerly along said city limits line to Jamacha Road; easterly along Jamacha Road to Helix Street; northerly along Helix Street to Lamar Street; easterly along Lamar Street and Upland Street to Kenora Drive; northerly along Kenora Drive to Dale Road; easterly along Dale Road to Bonita Street; southerly along Bonita Street to Buena Vista Drive; easterly along Buena Vista Drive to Sweetwater Springs Boulevard; southerly along Sweetwater Springs Boulevard to Del Rio Road; easterly along Del Rio Road to Calavo Drive; northerly along Calavo Drive to Campo Road; northeasterly along Campo Road to Avocado Boulevard; northerly along Avocado Boulevard to Chase Avenue; easterly along Chase Avenue to Anza Street; northerly along Anza Street to Washington Avenue; easterly along Washington Avenue to Dorothy Street; northerly along Dorothy Street to Jamacha Road; northwesterly along Jamacha Road to Main Street (U.S. Highway No. 80); northeasterly along Main Street (U.S. Highway No. 80) to Greenfield Drive; northwesterly and westerly along Greenfield Drive to Magnolia Avenue; southerly along Magnolia Avenue to Broadway; westerly along Broadway and Lake Murray Boulevard to the easterly city limit line of the City of San Diego; northerly and westerly along said city limits and its westerly prolongation to an intersection with the southeasterly boundary line of Camp Elliott; southwestly and westerly along said line of Camp Elliott to Murphy Canyon Road; northerly along Murphy Canyon Road to the city limit line of the City of San Diego; southwestly and northwesterly along said city limit line to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to San Diego Bay; northerly, easterly and southerly along the shoreline of San Diego Bay to point of beginning; also all territory within the U.S. Naval Amphibious Base and that portion of the corporate city limits of Coronado lying north thereof and the U.S. Naval Air Station, North Island.