

A. 37633

Decision No. 62535

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 FERN TRUCKING COMPANY, a California)
 corporation, for a certificate of public)
 convenience and necessity to operate)
 as a highway common carrier of lumber)
 and forest products between points and)
 places in Los Angeles Drayage Area, as)
 defined, and between said drayage area,)
 on the one hand, and points and places)
 in Los Angeles and Orange Counties, on)
 the other hand, pursuant to Section)
 1063 of the Public Utilities Code.)

Application No. 37633

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Fern Trucking Company, a corporation, was granted a certificate which is described in part by reference to a drayage area description contained in a minimum rate tariff. As the certificate is worded, some question may arise whether any amendment to the drayage area description of the minimum rate tariff would be incorporated automatically into this certificate.

It is apparent that any changes made by the Commission in the drayage area descriptions set forth in the minimum rate tariffs are predicated on minimum rate considerations and not public convenience and necessity. On the other hand, any changes in a highway common carrier's certificate of public convenience and necessity must be based solely on public convenience and necessity. It is the Commission's conclusion that the drayage area referred to in the certificate is the corresponding drayage area as described in the minimum rate tariff at the time the certificate was issued. Any other interpretation would result in a certificate that could be expanded or contracted without any consideration of public convenience and necessity.

The following order will clarify the certificate by stating the drayage area description specifically by metes and bounds.

Therefore, good cause appearing,

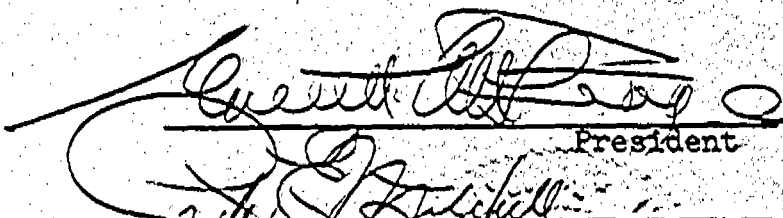
IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted to Fern Trucking Company by Decision No. 54201, dated December 4, 1956, in Application No. 37633, is hereby amended by substituting First Revised Page 1 in place and stead of Original Page 1 of Appendix A to Decision No. 54201, and by adding thereto a new appendix designated as Appendix B attached hereto.

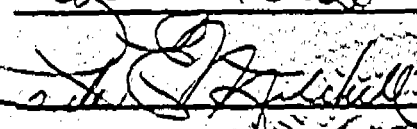
(2) That within one hundred twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Fern Trucking Company shall amend its tariffs on file with the Commission to reflect the clarification of the certificate here involved.

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


Dated at San Francisco, California, this 21st day of February, 1961.




President




Commissioner



Commissioner



Commissioner



Commissioners

Appendix A

Fern Trucking Company
(a corporation)

First Revised
Page 1 Cancels
Original Page 1

Fern Trucking Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport Lumber and Forest Products, as listed under that heading in Item No. 660 on Original Pages 52 and 53 of Minimum Rate Tariff No. 2, between

- (a) All points and places in the Los Angeles Drayage Area as described in Appendix "B" attached hereto.
- (b) Points and places in said Los Angeles Drayage Area, on the one hand, and points and places in Los Angeles and Orange Counties, on the other hand.

End of Appendix A

Issued by the California Public Utilities Commission
Decision No. 61535, Application No. 37633.

APPENDIX "B" TO DECISION NO. 61535

LOS ANGELES DRAYAGE AREA includes the area embraced by the following boundary.

Beginning at the intersection of 88th Street and Vermont Avenue; southerly along Vermont Avenue to 120th Street; easterly along 120th Street and its prolongation to Alameda Street; northerly along Alameda Street to Century Boulevard; easterly along Century Boulevard to Santa Fe Avenue; northerly along Santa Fe Avenue to Tweedy Boulevard; easterly along Tweedy Boulevard to Stanford Avenue; northerly along Stanford Avenue to Southern Avenue; easterly along Southern Avenue to Atlantic Avenue; southerly along Atlantic Avenue to Southern Avenue; easterly along Southern Avenue to the west bank of the Los Angeles River; northerly along the west bank of the Los Angeles River to Gage Avenue; easterly along Gage Avenue to Garfield Avenue; northeasterly along Garfield Avenue to Anaheim Telegraph Road; southeasterly along Anaheim Telegraph Road to Church Street; northeasterly along Church Street and its prolongation across the Atchison, Topeka and Santa Fe right of way to Vail Avenue; north-easterly along Vail Avenue to Ferguson Drive; westerly along Ferguson Drive to Gerhart Street; northerly along Gerhart Street to Hubbard Avenue; westerly along Hubbard Avenue and its prolongation to Eastern Avenue; southerly along Eastern Avenue to Whittier Boulevard; westerly along Whittier Boulevard to Downey Road; northerly along Downey Road to Hubbard Avenue; westerly along Hubbard Avenue to Indiana Street; northerly along Indiana Street and its prolongation to City Terrace Drive; northerly along City Terrace Drive to Ramona Boulevard; northeasterly along Ramona Boulevard to Eastern Avenue; northerly along Eastern Avenue and Marianna Avenue to the boundary line of the City of Los Angeles; easterly, northerly and westerly along the boundary of the City of Los Angeles to the boundary of Forest Lawn Memorial Park; southwesterly and northwesterly along the boundary of Forest Lawn Memorial Park to Rossllyn Street; southwesterly along Rossllyn Street to San Fernando Road; southeasterly along San Fernando Road to Tyburn Street; southwesterly along Tyburn Street to its intersection with the boundary of the City of Los Angeles; northwesterly and westerly along the boundary of the City of Los Angeles to Barham Boulevard; southerly along Barham Boulevard to Cahuenga Boulevard; southeasterly along Cahuenga Boulevard to Mulholland Highway; westerly along Mulholland Highway to Coldwater Canyon Road; southerly along Coldwater Canyon Road to the boundary of the City of Beverly Hills; southeasterly along the boundary of the City of Beverly Hills to the intersection of La Cienega Boulevard and Olympic Boulevard; easterly along Olympic Boulevard to Victoria Avenue; southerly along Victoria Avenue to Exposition Boulevard; easterly along Exposition Boulevard to Crenshaw Boulevard; southerly along Crenshaw Boulevard to Stocker Street; westerly along Stocker Street to Victoria Avenue; southerly along Victoria Avenue to Slauson Avenue; westerly along Slauson Avenue to Brynhurst Avenue; southerly along Brynhurst Avenue to 59th Street; easterly along 59th Street to Van Ness Avenue; southerly along Van Ness Avenue to 74th Street; easterly along 74th Street to Normandie Avenue; southerly along Normandie Avenue to 88th Street; easterly along 88th Street to the point of beginning.

END OF APPENDIX "B"