

Decision No. 61815

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
HALVERSON TRANSPORTATION, a corpora- )  
tion, for the extension of its cer- )  
tificates of public convenience and )  
necessity as a highway common carrier )  
of property. )

Application No. 42933

Bailey and McWhinney, by Ivan McWhinney, for  
applicant.

O P I N I O N

Applicant is currently authorized to operate as a highway common carrier of general commodities between all points and places in the Los Angeles Territory. By the application herein, filed on November 30, 1960, it seeks to extend such authority and to have its certificate of public convenience and necessity restated to include its present rights and whatever additional authority may be granted herein. Applicant now seeks to transport general commodities, with exceptions:

- (1) Between all points in a so-called Los Angeles Basin Area which is somewhat smaller than the Los Angeles Basin Territory.
- (2) Between all points in said territory, on the one hand, and, on the other hand, Santa Barbara and all points in the San Diego Territory, via U. S. Highways 101 and 101-A serving all intermediate points and all off-route points within five miles laterally of said highways.

No local service is proposed outside the Los Angeles Basin Area.

A public hearing on the application was held before Examiner Kent C. Rogers in Los Angeles on February 20, 1961, and the matter was submitted subject to the filing of a current financial statement within ten days. This statement has been filed and the matter is ready for decision. Prior to said hearing notice thereof was served on all parties with whom applicant is likely to compete. There were no protests.

As justification for the granting of the requested authority, applicant alleges, and testified at the hearing, that the proposed extension will result in service by applicant to a larger area surrounding Los Angeles than is presently served by it, and the extension of its service to San Diego and to Santa Barbara; that it serves a large number of shippers in its present service in Los Angeles and has been requested by many of them to extend service as herein proposed; that said shippers have regular shipments moving to points throughout the Los Angeles territory and to points south to San Diego and north to Santa Barbara; that the proposed extension of service will permit applicant to furnish a more complete and satisfactory service to its shippers and one which they need and require; and that such extension will result in substantial benefits to such shippers through the maximum use of split delivery and by reducing or minimizing dock congestions, freight handling costs, loss or damage to shipments, transit time,

and clerical and accounting costs in their transportation department.

Applicant had six shipper representatives available to support the service as proposed.

The service will be daily except Saturdays, Sundays and holidays and will provide same-day service for local deliveries with morning pickups, or next-day delivery for all other pickups.

Applicant's rates will be at the level of the rates prescribed by the Commission as minimum.

Applicant has a terminal in Los Angeles and will acquire terminals in San Diego and in Santa Barbara. Applicant owns and operates approximately forty pieces of equipment.

Upon a review of the record it appears that applicant's financial condition is adequate to warrant an order granting its request.

The Commission, having considered the matter, is of the opinion and finds and concludes that public convenience and necessity require that applicant be authorized to establish and operate a highway common carrier service as hereinafter set forth. A restated and extended certificate will be granted for the purpose of clarification in place of applicant's present operating authority which will be cancelled.

Halverson Transportation, a corporation, 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

An application having been filed, a public hearing having been held, and based on the evidence therein adduced,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Halverson Transportation, 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 general commodities between the points and over the routes as more particularly set forth in Appendix A and Appendix B 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 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 supersedes the certificate of public convenience and necessity acquired by Halverson Transportation by Decision No. 59566 dated February 1, 1960, in Application No. 41774, which certificate is hereby cancelled 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 11<sup>th</sup> day of APRIL, 1961.

Greil W. Page  
 President

John E. Mitchell

L. J. Fox

George L. Hoover

Frederic B. Halverson  
 Commissioner

Halverson Transportation, 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 Area as described in Appendix B attached hereto.
- (2) Between all points in said Los Angeles Basin Area, on the one hand, and, on the other hand, the City of Santa Barbara.
- (3) Between all points in said Los Angeles Basin Area, on the one hand, and, on the other hand, all points in the San Diego Territory as described in Appendix B attached hereto.
- (4) Between the Los Angeles Basin Area, on the one hand, and, on the other hand, all points on U. S. Highway 101 and U. S. Highway 101-A between the City of Santa Barbara and the San Diego Territory, inclusive, including all points laterally within five miles of said highways.

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Halverson Transportation 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 Area

Beginning in the County of Los Angeles at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly 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 until it intersects the corporate boundary of the City of San Fernando; westerly, northerly and easterly around said corporate boundary until it intersects 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 boundaries until Mill Creek Road; southwestwardly along Mill Creek Road until Bryant Avenue; southeasterly and southerly along Bryant Avenue to Yucaipa Boulevard; westerly along Yucaipa Boulevard to U. S. Highway 70 and 99; northwesterly on U. S. Highway 70 and 99 until Brookside Avenue; westerly along Brookside Avenue until it becomes Barton Road; westerly along Barton Road until it intersects U. S. Highway No. 91; southerly and southwestwardly along U. S. Highway No. 91 until it intersects State Highway No. 55; southerly and southwestwardly along State Highway No. 55 and a prolongation thereof to the Pacific Ocean; thence northerly along an imaginary line to the point of beginning.

San Diego Territory

Beginning at the northerly junction of U. S. Highways 101E and 101W approximately 4 miles north of La Jolla; thence easterly to Miramar on U. S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U. S. Highway 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; thence west to the Pacific Ocean; thence north along the Pacific Ocean to the point of beginning.

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