

ORIGINAL

Decision No. 61816

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CLYDE R. HOAGLAND, doing business )  
as REDWAY TRANSFER CO., for the )  
extension of his certificate of )  
public convenience and necessity )  
as a highway common carrier of )  
property. )

Application No. 43084

Ivan McWhinney and Clyde R. Hoagland for applicant.  
Carl S. Hoglund and Alvin W. Crooke, for applicant.  
Pauline Sharp, for Witco Chemical Co.;  
D. A. Bradburn, for Gameley & Bradburn Co.;  
and George M. Foos, for Mineral Pigments  
Corp., Engravers Ink Co.; interested  
parties.

O P I N I O N

Clyde R. Hoagland, doing business as Redway Transfer Co., is operating as a highway common carrier under Decision No. 56828, issued June 9, 1958, which provides for the transportation of certain special commodities in a portion of the Los Angeles Basin Territory.

This application seeks to expand this territory to transport general commodities, subject to the usual exceptions, between all points in the Los Angeles Basin Territory.

A public hearing was held in Los Angeles on March 8, 1961, before Examiner Robert D. DeWolf, and the matter was submitted on said date and is now ready for decision.

No protests were filed at the hearing.

The applicant submitted evidence in support of his application consisting of the testimony of six shipper witnesses, each of whom testified that applicant's service was being used by his firm and was very satisfactory, that the proposed additional service would be of great benefit to their business, and that equivalent service was not obtainable elsewhere. Exhibit No. 1 is a list of shipper witnesses, submitted by applicant, who have requested the expanded service and have stated to applicant that they would use the same.

Based upon the evidence of record the Commission is of the opinion and finds that public convenience and necessity require that the application be granted.

Clyde R. Hoagland 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 as above entitled having been filed, public hearing having been held thereon, and the Commission having made the foregoing findings, and good cause appearing,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it hereby is granted to Clyde R. Hoagland authorizing him 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 as more particularly set forth in Appendices A and 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:

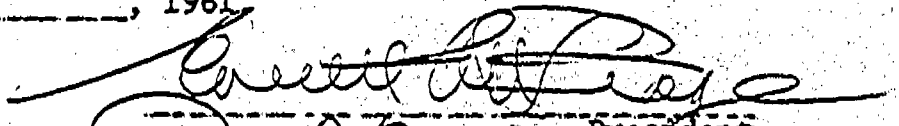


- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his 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 granted by

Decision No. 56828 dated June 9, 1958, in Application No. 36389, which certificate is hereby canceled and revoked, said revocation to become effective concurrently with the effective date of 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 11th day of APRIL, 1961

  
President  
  
George W. Hoover  
  
Frederick B. Holbrook  
Commissioners

Clyde R. Hoagland by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places in the Los Angeles Basin Area as described in Appendix B attached hereto. 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)

Issued by California Public Utilities Commission.

Decision No. 51816, Application No. 43084.

Appendix B to Decision No. 61816

LOS ANGELES BASIN AREA includes that area embraced by the following boundary:

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; southwesterly 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 southwesterly along U. S. Highway No. 91 until it intersects State Highway No. 55; southerly and southwesterly along State Highway No. 55 and a prolongation thereof to the Pacific Ocean; thence northerly along an imaginary line to the point of beginning.