

Decision No. 62286

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HIGGINS TRUCKS, INC., a corporation,)
for an In Lieu certificate of public)
convenience and necessity to operate)
as a highway common carrier for the)
transportation of property and to)
extend its present certificate of)
public convenience and necessity.)

Application No. 43199
(Filed March 1, 1961)

Donald Murchison, for applicant.

O P I N I O N

This application was heard before Examiner Robert D. DeWolf at Los Angeles on June 8, 1961, on which date it was submitted. Copies of the application and notice of hearing were served in accordance with the Commission's procedural rules. There were no protests.

Applicant is a highway common carrier and holds certain permits, and is presently transporting general commodities within an area generally extending between Los Angeles, Ontario, Corona, and Laguna Beach. Applicant requests authorization to extend such highway common carrier operations so as to transport general commodities to, from, and between all points and places located in the Los Angeles Basin Territory as described in Item No. 270-B of Minimum Rate Tariff No. 2, as set forth in the amendment to the application filed May 23, 1961.

Applicant is a party to Western Motor Tariff Bureau, Inc., Agent, Local Joint and Proportional Freight Tariff No. 18-B, California P.U.C. No. 17, J. L. Beeler, Agent Series.

Applicant's Exhibit No. 1 is a copy of applicant's present authority, Decision No. 51879, dated August 23, 1955; Exhibit No. 2 is a map showing the Los Angeles Basin Territory; Exhibit No. 3 is a Balance Sheet as of March 31, 1961; Exhibit No. 4 is a statement of income and profit and loss, dated January 1, 1961, through March 31, 1961; and Exhibit No. 4 is an equipment list showing 74 pieces of equipment in service.

Applicant's traffic manager testified that during the past five years there has been an ever-increasing demand upon the applicant for the service herein proposed; that since issuance of the last certificate there has been a substantial increase in population and industry at the points and places it presently serves and proposes to serve; that they have enjoyed a steady growth to the point where the permits and certificates it now holds are not sufficient to sustain the services now performed; that the entire Los Angeles Basin Territory has become a single integrated, economic, and commercial area; and that applicant is qualified and has the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.

Four shipper witnesses testified that they have been using applicant's service for three years or more and are very

well satisfied, and that they need such increased service and will use it in the future. The applicant offered to procure the testimony of twelve additional shipper witnesses who had been interviewed but this was not deemed necessary.

Findings and Conclusions

Upon consideration of the evidence the Commission finds and concludes as follows:

1. That applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.

2. That public convenience and necessity require that the application be granted as set forth in the ensuing order.

Higgins Trucks, Inc., 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 be and it is granted to Higgins Trucks, Inc., 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 and over the routes 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 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-B. 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-B may result in a cancellation of the operating authority granted by this decision.

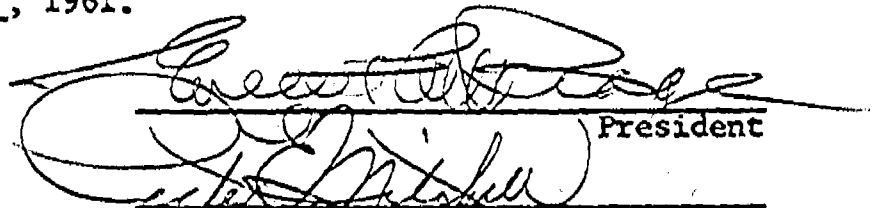
(b) Within one hundred twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

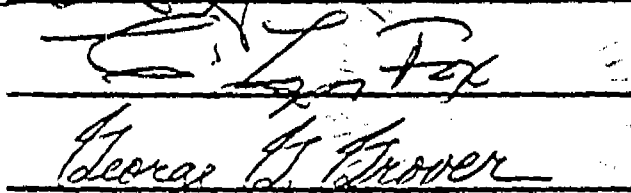
3. That the certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificate

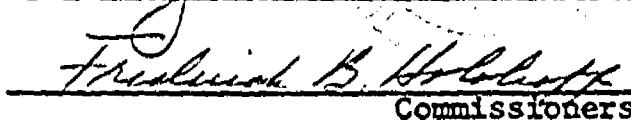
of public convenience and necessity granted by Decision No. 51879, dated August 23, 1955, which certificate is hereby revoked, said revocation to become effective concurrently with the effective date of tariff filings required by paragraph 2.(b) hereof.

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

Dated at San Francisco, California, this 28th day of February, 1961.



President


George H. Grover


Frederick B. Holbrook
Commissioners

Higgins Trucks, Inc., a corporation, 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 Territory 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. 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.
3. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
4. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
6. Logs.
7. Furniture as described under that heading in the Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, and lamp shades or reflectors and lamp standards or electric lamps and shades when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).
8. All commodities in bulk.
9. Articles of extraordinary value as set forth in Rule 3 of Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

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Appendix A

Higgins Trucks, Inc.
a corporation

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10. Commodities injurious or contaminating to other lading.
11. Commodities which, because of size or weight, require special equipment or handling.

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; southwestwardly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwardly 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; southwestwardly 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 shoreline of the Pacific Ocean to point of beginning.