

ORIGINAL

Decision No. 62484

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of ROYAL TRANSPORTATION CO., INC.,
a corporation, for an In Lieu Cer-
tificate of public convenience and
necessity to operate as a highway
common carrier for the transporta-
tion of property. }

Application No. 43047
(Filed January 5, 1961)

Donald Murchison, for the applicant.
Graham James & Rolph, by Boris H. Lakusta and
Leo J. Vander Lans, for the protestants.

O P I N I O N

This application was heard before Examiner Kent C. Rogers in Los Angeles on April 18 and May 29, 1961. On May 29, 1961, the matter was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The protestants are: California Motor Express, Ltd., and California Motor Transport Co., Ltd.; Delta Lines, Inc.; Interlines Motor Express; Merchants Express of California; Oregon-Nevada-California Fast Freight; Southern California Freight Lines; Pacific Motor Trucking Co.; Shippers Express; Sterling Transit Co., Inc.; Valley Express Co.; Valley Motor Lines, Inc.; and Willig Freight Lines.

Applicant is a highway common carrier presently transporting specific commodities generally to, from, and between points in the Los Angeles Basin Territory. Applicant requests authority

45
50
35

to extend such highway common carrier operations to permit it to transport general commodities, with exceptions, to, from, and between all points and places located in the Los Angeles Basin Territory.

The applicant is a party to Western Motor Tariff Bureau, Inc., Agent, Local Joint and Proportional Freight Tariff No. 17-A, Cal. P.U.C. No. 33, Elmer Ahl, Agent Series, in the publication of its rates and charges, and proposes to establish rates substantially in conformity with the rates presently published in the above-described tariff in providing the proposed service.

The service will be on call but will be conducted daily between one or more of the points proposed to be served, with service on Sundays and holidays. Applicant proposes that service will be provided on a same-day basis for pickups made before 10:00 a.m., and will provide same-day service on pickups made until 3:00 p.m., for shipments within a 30-mile radius of the City of Los Angeles.

Since May 1960, applicant has been rendering service as a highway common carrier, in the Los Angeles Basin Territory, pursuant to a certificate. It has been operating pursuant to permits since approximately 1953. In rendering the service it has one terminal located at 600 South Maple Avenue, Montebello, California. It has seven tractors, 16 trucks and 13 trailers. As of December 31, 1960, it had total assets which it valued at \$74,915 and current liabilities totaling \$40,382. For the six months ending December 31, 1960, its operating revenues were \$166,649 and its total operating expenses were \$166,158.

It alleges, in support of its request, that it has operated between the points proposed to be served for several years

as a permitted carrier; that subsequent to the issuance of its certificate it has received numerous requests from various shippers of general commodities for service between points in the service area; that during the past seven years there has been an ever-increasing demand upon the applicant for the service herein proposed; and that during the period there has been a substantial increase in population and industry in the points and places served and proposed to be served.

Applicant called eight representatives of shippers in support of its application. These shippers, collectively, shipped daily to all points in the area proposed to be served. They are now using the applicant as both a permitted and certificated carrier and they request and receive from the applicant a same-day pickup and delivery service which they require and demand. They would like to see the applicant receive authority to transport general commodities. Some had complaints as to the carriers they were familiar with, and some had no complaints.

Representatives of California Cartage Company, Boulevard Transportation Company, Southern California Freight Lines, and California Motor Transport Company, Ltd., appeared as witnesses. These carriers testified that they provide an overnight service between points in the Basin, have many pieces of equipment and are all available for service. Two of these carriers, Southern California Freight Lines and Boulevard Transportation Company, stated that they provide a same-day service between points in the service area.

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

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

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

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

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 Royal Transportation Co., Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and hereby 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 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 supersedes the certificate of public convenience and necessity granted by Decision No. 60123, which certificate is hereby 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 29th day of AUGUST, 1961.

[Handwritten Signature]

 President

[Handwritten Signature]

 Commissioner

[Handwritten Signature]

 Commissioner

Royal Transportation Co., 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. 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 protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
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.

Issued by California Public Utilities Commission.

Decision No. 62484, Application No. 43047.

APPENDIX B TO DECISION NO. 62484

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; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Ferris; 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; southwestwesterly 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.