

ORIGINAL

Decision No. 63053

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ALLISON R. BOYD, doing business as)
JOENSON TRANSFER & TRUCKING CO., a)
sole proprietorship, for a certifi-)
cate of public convenience and)
necessity to operate as a highway)
common carrier for the transpor-)
tation of property.)

Application No. 43841
Filed October 13, 1961

Donald Murchison, for applicant.
Arthur H. Glanz, for protestants
named in the opinion.

O P I N I O N

This application was heard before Examiner Robert D. DeWolf at Los Angeles, California, on March 13, May 2 and 3, 1962, and was submitted on May 3, 1962, after oral argument on behalf of the applicant and protestants. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules.

The protestants are Boulevard Transportation Company, California Cartage Company, California Motor Express, Ltd., Constructors Transport Co., Delta Lines, Inc., Merchants Express of California, Southern California Freight Lines, Pacific Motor Trucking Company, Shippers Express Company, Sterling Transit Company, Valley Motor Lines, Inc., and Valley Express Co.

Applicant is a highway permit carrier engaged in the transportation of general commodities in the Los Angeles Basin

Territory. Applicant requests authorization to conduct operations as a highway common carrier for the transportation of general commodities in the Los Angeles Basin Territory.

Applicant's Evidence

Applicant proposes to provide service that will be on call but will be conducted daily between one or more of the points proposed to be served, except Sundays and holidays. Saturday delivery at destination points is proposed.

Applicant proposes that the rates to be assessed for this service, and the rules and regulations governing the same, shall be those established as minimum by this Commission as contained in Minimum Rate Tariff No. 2 and such other tariff of the Commission naming minimum rates, rules and regulations applicable to the transportation of the commodities proposed to be transported between the points involved herein.

Applicant has been engaged in the transportation business for more than twenty-seven years and is now operating twenty vehicles and maintains a terminal at 1204 West 24th Street, Los Angeles 7, California, with dock space for four trucks and yard space of approximately 14,000 square feet. Applicant's total assets are valued at \$114,135.46, and as of January 31, 1962, he had a net profit of \$1,179.61 on total revenues of \$12,129.88 for the month. Applicant presently is serving the drayage area, and the proposed service will result in operating economies and conveniences to the shippers through a closer relationship between the shipper and the carrier, a scheduled daily pickup and delivery service where possible, less congestion at the shipper's dock, reduced losses, less paper work and other benefits. The entire

Los Angeles Basin Territory has become a single integrated economic and commercial area for direct daily and overnight service, and applicant avers that intermediate transfers by its shippers within the territory cause delay and dock congestion.

Applicant presented six shipper witnesses who testified in support of the application. Each has substantial need for the proposed service to give them a single-line operation for regular service to all points in the proposed territory and to reduce time transit, dock congestion, and otherwise improve the present service.

One witness testified to a particular problem in his business of processing products. This shipper testified to difficulty in getting freight moved without damage due to dropping the cartons, and applicant's service does not give this trouble. He testified that this applicant rendered good service.

Exhibit No. 1 is a map of the Los Angeles Basin Territory. Exhibits Nos. 2 and 5, introduced in evidence, are the balance sheet and profit and loss statement of applicant, dated January 31, 1962. Exhibit No. 4 is a list of applicant's equipment.

Protestants' Evidence

Traffic experts for four of the protestants testified in opposition to the application.

Exhibits Nos. 6 through 26 were introduced by the protestants and show their authority to operate as common carriers and the extent of their operations, and also points served, advertising brochures, terminal information and statistics regarding their authority, accounts and rates. Protestants testified they have truck capacity service sufficient to handle additional freight in the proposed area and offer daily overnight service.

The record herein shows that the applicant is providing a necessary and specialized service for his customers who receive same-day service when they need it. The customers' business and the frequency of service required by them is increasing. They are satisfied with the applicant's service which they are receiving, and want such service continued and extended to the entire Los Angeles Basin Territory. They will use this service if a certificate is granted.

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.

Allison R. Boyd 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 that:

1. A certificate of public convenience and necessity

be and it is granted to Allison R. Boyd, doing business as Johnson Transfer & Trucking Co., authorizing him 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 Appendices A and B attached hereto and hereby made a part hereof.

2. 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-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, applicant shall establish the service herein authorized and file in the Commission's office in triplicate tariffs satisfactory to the Commission.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.

(d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

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

Dated at San Francisco, California, this 17th day of JULY, 1962.

John E. Bruch President

E. J. Fox
Carroll A. ...

Fredrick B. Holliff
Commissioners

Allison R. Boyd, 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. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

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9. Commodities likely to contaminate or damage other freight.
10. Explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10.

End of Appendix A

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APPENDIX B TO DECISION NO. _____

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; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly 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; southwesterly 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.