

ORIGINAL

Decision No. 66219

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ROZAY'S TRANSFER, a corporation, to )  
 purchase, and of KLING CARTAGE CO., )  
 a corporation, to sell, a certifi- )  
 cate of public convenience and )  
 necessity for the transportation of )  
 general commodities, between points )  
 in the Los Angeles Basin Territory, )  
 pursuant to Sections 851-853 of the )  
 California Public Utilities Code. )

Application No. 45727

O P I N I O N

Kling Cartage Co. requests authority to sell and transfer, and Rozay's Transfer requests authority to purchase certain operating equipment and highway common carrier operating authority. Authority is also requested to temporarily lease said equipment and operating authority pending final approval of this Commission and the Interstate Commerce Commission.

The certificate was granted by Decision No. 61417 as amended by Decision No. 63069 and authorizes the transportation of general commodities, with certain exceptions, between points and places in the Los Angeles Basin Territory. The equipment consists of trucks, tractors and trailers, totaling 17 in number. The agreed cash consideration is \$30,275. A value of \$25,000 is placed upon the certificate and a value of \$5,275 is placed upon the equipment. Pending final approval of the Commission and the Interstate Commerce Commission applicants propose to enter into a temporary lease arrangement whereby applicant purchaser will pay \$100 per month for the operating authority and \$100 per month for the equipment. Any amount paid under the lease would be deducted from the total purchase price.

Applicant purchaser is presently operating as a highway common carrier in the Los Angeles Territory. It owns and operates 26 units of equipment and as of June 30, 1963, indicated a net worth in the amount of \$19,544.29. William S. Rozay, president and sole shareholder intends to advance to applicant purchaser \$40,000 in cash.

It is alleged that due primarily to the handling of a large volume of traffic in interstate commerce for interstate freight forwarders at noncompensatory freight charge levels applicant seller has conducted unprofitable operations during the past year; as a result it is indebted beyond a realistic expectancy of placing the corporation once again on a solvent and profitable basis; the Internal Revenue Service has recorded its tax lien against the corporation and threatens momentarily to levy on the vehicle equipment; the only remaining asset of any value is the certificate, which if sold as herein proposed would result in sufficient funds to discharge its entire indebtedness to the United States Government and to various agencies of the State of California; the granting of the temporary lease authority and the ultimate transfer will assure continued service to the public, and have no adverse effect on other carriers.

After consideration the Commission finds that the proposed lease and transfer would not be adverse to the public interest and the Commission therefore concludes that the application should be granted. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1964, Kling Cartage Co., a corporation, may sell and transfer, and Rozay's Transfer, a corporation, may

purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after consummation of the transfer herein authorized, Rozay's Transfer shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Rozay's Transfer shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that it has adopted or established, as its own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than thirty days' notice to the Commission and to the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

4. Effective concurrently with the effective date of tariff filings required by paragraph 3 hereof, the certificate of public convenience and necessity granted to Kling Cartage Co. by Decisions Nos. 61417 and 63069, and the certificate of public convenience and necessity granted to Rozay's Transfer by Decisions Nos. 64049 and 64053 are hereby revoked, and simultaneously therewith, an in-lieu certificate of public convenience and necessity is hereby granted to Rozay's Transfer 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 as more particularly set forth in Appendices A, B and C attached hereto and made a part hereof.

5. Applicants may execute the lease agreement as set forth in Exhibit A-1 attached to the application.

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

Dated at San Francisco, California, this 29th day of October, 1963.

William L. Brown  
President

Robert W. [unclear]  
Edward [unclear]

George H. Hoover

Fredrick B. Holoboff  
Commissioners

Rozay's Transfer, 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 within the Los Angeles Basin Territory as described in Appendix B hereto attached, except that applicant shall not transport shipments between any two points both of which are located in the Los Angeles Drayage area as described in Appendix C 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.
9. Wearing apparel on hangers.

Issued by California Public Utilities Commission.  
Decision No. 66219, Application No. 45727.

APPENDIX B TO DECISION NO. 66219

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.

## APPENDIX C TO DECISION NO. \_\_\_\_\_

LOS ANGELES DRAYAGE AREA includes the area embraced by the following boundary:

Beginning at the intersection of 88th Street and Vermont Avenue; southerly along Vermont Avenue to 120th Street; easterly along 120th Street and its prolongation to Alameda Street; northerly along Alameda Street to Century Boulevard; easterly along Century Boulevard to Santa Fe Avenue; northerly along Santa Fe Avenue to Tweedy Boulevard; easterly along Tweedy Boulevard to Stanford Avenue; northerly along Stanford Avenue to Southern Avenue; easterly along Southern Avenue to Atlantic Avenue; southerly along Atlantic Avenue to Southern Avenue; easterly along Southern Avenue to the west bank of the Los Angeles River; northerly along the west bank of the Los Angeles River to Gage Avenue; easterly along Gage Avenue to Garfield Avenue; northeasterly along Garfield Avenue to Anaheim Telegraph Road; southeasterly along Anaheim Telegraph Road to Church Street; northeasterly along Church Street and its prolongation across The Atchison, Topeka and Santa Fe right of way to Vail Avenue; north-easterly along Vail Avenue to Ferguson Drive; westerly along Ferguson Drive to Gerhart Street; northerly along Gerhart Street to Hubbard Avenue; westerly along Hubbard Avenue and its prolongation to Eastern Avenue; southerly along Eastern Avenue to Whittier Boulevard; westerly along Whittier Boulevard to Downey Road; northerly along Downey Road to Hubbard Avenue; westerly along Hubbard Avenue to Indiana Street; northerly along Indiana Street and its prolongation to City Terrace Drive; northerly along City Terrace Drive to Ramona Boulevard; northeasterly along Ramona Boulevard to Eastern Avenue; northerly along Eastern Avenue and Marianna Avenue to the boundary line of the City of Los Angeles; easterly, northerly and westerly along the boundary of the City of Los Angeles to the boundary of Forest Lawn Memorial Park; southwestly and northwestly along the boundary of Forest Lawn Memorial Park to Rosslyn Street; southwestly along Rosslyn Street to San Fernando Road; southeasterly along San Fernando Road to Tyburn Street; southwestly along Tyburn Street to its intersection with the boundary of the City of Los Angeles; northwestly and westerly along the boundary of the City of Los Angeles to Barham Boulevard; southerly along Barham Boulevard to Cahuenga Boulevard; southeasterly along Cahuenga Boulevard to Mulholland Highway; westerly along Mulholland Highway to Coldwater Canyon Road; southerly along Coldwater Canyon Road to the boundary of the City of Beverly Hills; southeasterly along the boundary of the City of Beverly Hills to the intersection of La Cienega Boulevard and Olympic Boulevard; easterly along Olympic Boulevard to Victoria Avenue; southerly along Victoria Avenue to Exposition Boulevard; easterly along Exposition Boulevard to Crenshaw Boulevard; southerly along Crenshaw Boulevard to Stocker Street; westerly along Stocker Street to Victoria Avenue; southerly along Victoria Avenue to Slauson Avenue; westerly along Slauson Avenue to Brynhurst Avenue; southerly along Brynhurst Avenue to 59th Street; easterly along 59th Street to Van Ness Avenue; southerly along Van Ness Avenue to 74th Street; easterly along 74th Street to Normandie Avenue; southerly along Normandie Avenue to 88th Street; easterly along 88th Street to the point of beginning.