

ORIGINAL

Decision No. 66817

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JACK WOODMANSEE, doing business as WOODY'S TRANSFER, for an extension of his certificate of public convenience and necessity to operate as a highway common carrier for the transportation of property in intrastate and interstate and foreign commerce to, from and between certain points and places in the Los Angeles Basin Territory.

Application No. 45044
(Filed December 17, 1962)
First Amendment to
Application
(Filed October 24, 1963)

- Donald Murchison, for applicant.
- Arthur H. Glanz, for Boulevard Transportation Co., California Cartage Company, California Motor Express, Ltd., Merchants Express of California, Pacific Motor Trucking Company, Valley Motor Lines, Inc., Southern California Freight Lines, Inc; interested parties.
- Russell & Schureman, by R. Y. Schureman, for Brake Delivery Service, Burton Truck & Transfer Co., City Transfer, Inc., G & H Transportation, Inc., Griley Security Freight Lines, Mercury Freight Lines, Qwikway Trucking Co., Ronga Truck Company, S and M Freight Lines, Square Deal Trucking Co., and Swift Transportation Company; interested parties.

O P I N I O N

By Decision No. 60753 Jack Woodmansee was authorized to transport six classes of commodities and named miscellaneous commodities ^{1/} between points in the Los Angeles Drayage Area and

1/ The named commodities are all as described in Items as numbered in Appendix A of the decision and as listed in Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof and Supplements 9, 11 and 13 thereto.

Long Beach, on the one hand, and Santa Ana, Anaheim, Fullerton, Orange, Stanton and Garden Grove, on the other hand, all as more specifically set forth in said decision. Said authority does not include the right to serve to, from and between intermediate points nor the right to transport any shipment having both point of origin and point of destination within the said drayage area which area is described in Appendix A of said decision. Applicant also holds Radial Highway Common Carrier permit No. 19-51181, Highway Contract Carrier permit No. 30-3356 and City Carrier permit No. 19-51372.

By this application, as amended, authority is sought to extend and enlarge said operating right by adding five other classes of commodities and one named miscellaneous commodity and to permit applicant to transport said property between the Los Angeles Drayage area and Long Beach, on the one hand, and, on the other hand, points and places in Orange County serving also the intermediate points of Bell Gardens, Whittier, Pico-Rivera, Santa Fe Springs, La Mirada, Downey, Norwalk and Los Nietos.

The original application was protested by several carriers. However, applicant having withdrawn his proposal to engage in operations in interstate and foreign commerce, "within limits which would not exceed the scope of the authorized intrastate operations," and having amended the application as to the commodities to be transported^{2/} and the territory and points and places to be served, said protestants changed their respective appearances to that of interested parties.

Public hearings were held in Los Angeles on June 25 and 26, 1963, before Examiner Mark V. Chiesa and on October 1, 1963,

^{2/} Applicant is authorized to transport uncrated new furniture but it receives such a negligible amount of such traffic, in order to eliminate protestants it did not request that such commodity be retained in its extended and restated certificate.

before Examiner Kent C. Rogers. The matter was submitted on October 1, 1963, subject to the filing of an amendment to the application, which filing was made on October 24, 1963. The matter is now ready for decision.

Jack Woodmansee, applicant herein, explained his present and proposed carrier operations and testified that he started in the trucking business in 1957 with seven or eight shipper customers and now has approximately 150 regular shippers plus others who ship occasionally; that he employs 12 persons in various capacities, operates eleven units of equipment and maintains a terminal and office in Garden Grove, California. He proposes same day and following morning deliveries daily Monday through Saturday. Pickups prior to 1 p.m. will be delivered the same day, those after 1 p.m. the following morning. Rates will conform with the Western Motor Tariff Bureau, Inc., Agent, Local and Joint Freight Tariff No. 17A, Cal. P.U.C. No. 33 (Elmer Ahl, agent, Series), to which he is a party, and other applicable Commission tariffs.

Applicant's financial condition as of December 31, 1962 showed Total Assets of \$73,235.53, Liabilities of \$53,638.38, and Net Worth of \$19,597.15. Net operating profit for the year 1962 was \$9,826.00.

Eight shipper witnesses testified that they have a need for applicant's proposed service. In addition, it was stipulated by the attorneys for applicant and the interested parties that an additional eight witnesses would testify that their need for the service is substantially the same.

The said witnesses represented companies, both large and small, engaged in manufacturing, selling and/or distributing products and commodities which applicant is now authorized and proposes to transport. The need and convenience arises from the fact that some of said companies also have customers that are in the new territory or communities named. The granting of this application would eliminate the necessity and inconvenience of having to hire other carriers to perform a similar service in the same area.

No evidence was offered by the interested parties and it does not appear that the granting of applicant's request would be to the detriment of any of them.

Having considered the matter we find that:

1. Applicant holds a certificate of public convenience and necessity from this Commission authorizing him to transport property as a highway common carrier and is also authorized to operate as Radial Highway Common carrier, Highway Contract carrier and City carrier, by decision and permits as set out hereinabove.
2. Public convenience and necessity require that applicant extend and enlarge his operations as a certificated highway common carrier between the Los Angeles Drayage area and Long Beach, on the one hand, and points and places within Orange County, serving also the intermediate points of Bell Gardens, Whittier, Pico-Rivera, Santa Fe Springs, La Mirada, Downey, Norwalk and Los Nietos, on the other hand; and by transporting additional commodities, as hereinafter set forth.
3. Applicant has the experience, ability, facilities and financial resources to enable him to perform the proposed transportation service.
4. Public convenience and necessity no longer require that applicant operate as a highway common carrier of uncrated new furniture.

Based upon the foregoing findings of fact, the Commission concludes that a certificate of public convenience and necessity should be issued to Jack Woodmansee, as provided in the order herein. For clarification, said certificate shall be in lieu of any and all operating authority heretofore granted to or acquired by applicant.

Jack Woodmansee 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity be and it is granted to Jack Woodmansee authorizing him to transport specified commodities as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points as more particularly set forth in Appendices A and B attached hereto and 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 of the California Highway Patrol, the 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 tariffs, in triplicate, in the Commission's office.
- (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-A.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes

all existing certificated operating authority for the transportation of property heretofore granted to or acquired by Jack Woodmansee, and presently possessed by him, which authority is hereby canceled and 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 18th day of FEBRUARY, 1964.

William W. Bennett
 President

George L. Grover

Fredrick B. Halaloff
 Commissioners

Jack Woodmansee, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

- (1) BOILERS, FURNACES, RADIATORS, STOVES, RELATED ARTICLES OR PARTS NAMED, as described in Items 11960 through 13280. (See Note)
- (2) CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, iron or steel, as described in Items 29540 through 30200. (See Note)
- (3) COOLERS, COOLING BOXES, COOLING ROOMS OR REFRIGERATORS, as described in Items 30600 through 30740. (See Note)
- (4) ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as described in Items 34020 through 35430. (See Note)
- (5) GAMES OR TOYS, as described in Items 44710 through 45200. (See Note)
- (6) GREASE, as described in Items 47840 through 47870. (See Note)
- (7) MACHINERY, HOUSEHOLD LAUNDRY, as described in Items 62430 through 62501. (See Note)
- (8) MACHINERY, TUMBLERS, WASHING MACHINE CYLINDERS, WASHING MACHINES, WRINGERS, as described in Items 63060 through 63111. (See Note)
- (9) INSULATORS, as described in Items 53490 through 53570. (See Note).
- (10) LAMPS, LIGHTING FIXTURES, as described in Items 55690-56100. (See Note)
- (11) VACUUM CLEANERS, HOUSEHOLD, as described in Items 67100 through 67120. (See Note)

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(12) MISCELLANEOUS COMMODITIES, viz:

- (a) Crude petroleum treating compound
- (b) Radio receiving set, phonograph, talking machine, television set, amplifiers or loud speaker box type or console type cabinets
- (c) Radio or television aerial or antenna masts
- (d) Radio or television cabinet backs
- (e) Radio or television roof aerial supports
- (f) Refrigeration evaporators, household
- (g) Talking machine or phonograph operating and sound mechanism assemblies or turntables
- (h) Talking machine or phonograph parts or needles
- (i) Talking machines or phonographs, including coin operated talking machines, or recorders, tape or wire
- (j) Television image magnifying lenses
- (k) Television tables or stands
- (l) Wire, brass, bronze or copper

NOTE: The term "items" as used above refers to specified items as listed in Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof and Supplements 9, 11 and 13 thereto.

BETWEEN:

Points and places located in the Los Angeles Drayage Area as described in Appendix B attached hereto and Long Beach, on the one hand, and, on the other hand, points and places in Orange County and the intermediate points of Bell Gardens, Whittier, Pico-Rivera, Santa Fe Springs, La Mirada, Downey, Norwalk, and Los Nietos.

The authority herein granted does not include the right to serve any intermediate points or places not herein specifically named.

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Appendix A

JACK WOODMANSEE
doing business as
WOODY'S TRANSFER

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Applicant shall not transport any shipment having both point of origin and point of destination within the Los Angeles Drayage Area as described in Appendix B attached hereto, nor any shipment having both point of origin and point of destination within Orange County.

Applicant may use all available public highways and streets between and within the points and places as herein authorized to be served, in accordance with state and local traffic regulations.

End of Appendix A

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APPENDIX B TO DECISION NO. 66817

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; northeasterly 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; southwesterly and northwesterly along the boundary of Forest Lawn Memorial Park to Rosslyn Street; southwesterly along Rosslyn Street to San Fernando Road; southeasterly along San Fernando Road to Tyburn Street; southwesterly along Tyburn Street to its intersection with the boundary of the City of Los Angeles; northwesterly 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.