

ORIGINAL

Decision No. 76308

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 20th CENTURY TRUCKING COMPANY, a )  
 corporation, for a certificate of )  
 public convenience and necessity )  
 authorizing extension of presently )  
 certificated service as a highway )  
 common carrier of general com- )  
 modities to include service be- )  
 tween various additional points and )  
 places in Southern California. )

Application No. 50826  
 (Filed January 20, 1969;  
 Amended February 17 and  
 February 24, 1969)

Franklin L. Knox, Jr., for 20th  
 Century Trucking Company,  
 applicant.  
Russell & Schureman by Carl H.  
Fritze for Griley Security  
 Freight Lines, Imperial Truck  
 Lines, Inc., Smith Transportation  
 Co., Certified Freight Lines, Inc.  
Arthur H. Glanz, for Pacific Motor  
 Trucking Company, ONC Freight Sys-  
 tem, SoCal Motor Freight,  
 Protestants.

O P I N I O N

This application was heard before Examiner DeWolf at Los Angeles on May 13 and 14, June 23 and heard and submitted on July 15, 1969.

All the protestants who had appeared entered into a stipulation with the applicant for a withdrawal of their protests in consideration of the amendment of the application to restrict the service of the requested authority to shipments weighing 750 pounds or less in the proposed extended area; and the withdrawal by applicant of its request to transport commodities in interstate commerce within the extended area.

Applicant is a highway common carrier presently transporting general commodities, with the usual exceptions, in intrastate and interstate and foreign commerce between all points and places in the Los Angeles Basin Territory and between Los Angeles and certain points in Santa Barbara and San Diego and between and along Highway 101 and 101-A as authorized in Decision No. 61192 and Decision No. 70356 which authorizes transfer to applicant of rights granted to Halverson Transportation Company by Decision No. 61815.

Applicant requests authority pursuant to the stipulation made herein to extend such highway common carrier operations to transport general commodities in intrastate commerce to render service as described in Exhibit A-2 of the application as follows:

TERRITORIES TO BE SERVED

- (a) The City of Los Angeles as defined under its present authority:
- (b) Los Angeles Basin Territory as defined under its present authority:
- (c) San Diego Territory as defined under its present authority:
- (d) All points and places within five miles of either side of U.S. Highway 101 between Santa Ana and San Diego as defined under its present authority:
- (e) Santa Barbara as defined under its present authority:
- (f) All points and places within five miles on either side of U.S. Highway 101 and U.S. Highway 101-A Alternate between Los Angeles and Santa Barbara as defined under its present authority:
- (g) Goleta:
- (h) All points and places within five miles of either side of U.S. Highway 101 between Santa Barbara and Goleta:
- (i) Beginning at a point on Highway 399 laterally five miles distant north of Highway 101 along Highway 399 northerly to Highway 150; thence easterly on Highway 150 to the City of Santa Paula including all points and places within five miles on either side of these described portions of Highways 399 and 150;

(j) Beginning at a point on Highway 126 laterally five miles distant (northerly) from Highway 101 along Highway 126 northeasterly to the City of Fillmore; thence southerly along Highway 23 to Moorpark; thence easterly along Highway 118 to a point easterly from Santa Susana distant five miles, including all points and places within five miles on either side of the above described portion of Highways 126, 23 and 118;

(k) All points and places on Highway 395 which applicant is presently permitted to traverse, beginning at a point south of Temecula being the boundary line of the Los Angeles Basin Territory, southerly along said highway to Miramar being the northerly boundary of the San Diego Territory, including all points and places within five miles on either side of this described portion of Highway 395 and including the points of San Marcos, Vista, Bonsall, Fall Brook, Valley Center, which points may be within said five miles lateral line although in perhaps one or two instances, the boundary lines of these points might be distant slightly beyond a five mile lateral line.

Applicant proposes to serve all points and places within each of the territories hereinabove described, and to, and from, and between, all points and places within these described areas, and to use all available routes, streets, and highways within or convenient to use, within, or between these areas, to provide service at all points in all incorporated cities, any part of which lies within the boundary of applicant's present proposed serviced territories.

Applicant proposes to provide daily overnight service Monday through Friday, holidays excepted, with pickups on one day being delivered in the morning of the following day; rates will be substantially in conformity with rates and charges presently published in the tariffs. It is a member and party to Western Motor Tariff Bureau, Inc., Agent, Local, Joint, and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 covering Los Angeles Basin Territory, Santa Barbara, and Local Proportional Freight and Express Tariff No. 104A Cal. P.U.C. No. 23 Western Motor Tariff Bureau, Inc., Agent for its operations in the San Diego Territory.

A vice president and manager of applicant testified that he has been in the transportation business associated with applicant for 32 years and described the applicant's present operations, the authority sought and proposed service, financial status, and its physical assets. Applicant introduced into evidence Exhibit 1, a list of applicant's operating equipment which described 138 trucks, 7 tractors, 16 trailers, and 3 converter gear. Exhibit 7, applicant's statement of financial condition, showed total assets of \$264,239 and total operating revenue of \$2,067,074 at closing on March 31, 1969. Exhibits 2 and 3 described radial highway shipments of applicant into the proposed areas to be served including the town of Escondido, Fall Brook, Vista San Marcos, Piru, Santa Paula, Fillmore, Ojai, Moorpark, and Simi.

In support of the application, twenty-nine public shipper witnesses testified that for a period of from one to five years they used and are now using the service of applicant; that the service has been rendered with efficiency, has been very satisfactory, and that the proposed changes and new area service would be of great benefit to them. The main problem described by the applicant and shippers is that frequently they have occasion to combine shipments which require split deliveries where part of the deliveries are within applicant's presently authorized service area as a common carrier, and part of the deliveries are outside the area, all of which places a rate burden upon appli-

cant's regular shipper customers. The shippers further testified they have difficulty getting service for small shipments and that applicant provides special equipment, usually makes pickups after 2:30 P.M. when requested, and that the proposed new service is needed to enable the shippers to get next-day delivery and reduce dock congestion.

Applicant furnished the names and addresses of 29 additional shipper witnesses who had been interviewed and requested to appear and testify in support of the application and outline their shipping problems, and stated that they would all support the need for this expansion of applicant's territory and would use the new service.

Protestants withdrew and did not offer any evidence.

Upon consideration of the evidence the Commission finds that:

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

2. The shippers of those certain commodities described in the testimony will be afforded shipping advantages, reduced dock congestion, and more efficient service by extension of applicant's authority over the routes herein authorized.

3. The evidence does not demonstrate that the extension of applicant's territory as requested will adversely affect other carriers or result in an impairment of their existing service.

4. The population, business, and industrial growth in the Los Angeles Basin Territory in recent years has been extensive, and this has caused expansion of traffic and transportation from the Los Angeles Basin Territory to the proposed new territory. The extension of applicant's routes thereto will enable applicant to render more efficient service.

5. It is necessary to authorize applicant to provide the proposed transportation service in order to enable shippers to obtain improved service on split deliveries and late afternoon pickups to the new territory.

6. Public convenience and necessity require that applicant be authorized to transport the special commodities on the new routes, as more particularly set forth in the ensuing order.

7. Public convenience and necessity require that applicant continue to engage in interstate or foreign commerce within limits which do not exceed the scope of the interstate operations now being conducted or previously authorized by the Commission.

8. Public convenience and necessity do not require that applicant be authorized to engage in interstate or foreign commerce in the new territory herein authorized.

The Commission concludes that the application as amended should be granted as specified in the ensuing order.

As applicant has heretofore been authorized to revise its routes on several occasions, it is deemed advisable to restate its certificate in order to clarify its operating authority. Accordingly, a new certificate will be issued which will include all of the applicant's present authority, and the new authority herein authorized for intrastate service.

20th Century Trucking Company, a corporation, 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 is granted to 20th Century Trucking Company, 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 particularly set forth in Appendices A, B, C, and D, attached hereto and hereby made a part hereof.

2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all the certificates of public convenience and necessity granted by Decisions Nos. 61192, 61815 and 70356, which certificates are superseded effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure to do so may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 10C-E.
- (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.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts.



as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If the applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

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

Dated at Los Angeles, California, this 21<sup>st</sup> day of OCTOBER, 1969.

William J. Lyons  
President

[Signature]

[Signature]

[Signature]  
Commissioners

20th Century Trucking Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

1. Between all points and places within Los Angeles and Los Angeles Basin Territory, as described in Appendices B and C attached hereto.
2. Between all points and places within the San Diego Territory as described in Appendix D attached hereto.
3. Between Los Angeles and Los Angeles Basin Territory, as described in Appendices B and C, on the one hand, and the San Diego Territory as described in Appendix D attached hereto, on the other hand, including all points and places on, along and within 5 miles laterally of U.S. Highways Nos. 101 and 101 Alternate.
4. Between all points and places described in 1 and 2 above, on the one hand, and the City of Santa Barbara, on the other hand, including all points and places within 5 miles of either side of U.S. Highways Nos. 101 and 101 Alternate.
- \*5. Between all points and places within Goleta and between all points and places within 5 miles of either side of U.S. 101 between Santa Barbara and Goleta, and between all points and places beginning at a point on Highway 399 laterally 5 miles distant north of Highway 101, along Highway 399 northerly to Highway 150, thence easterly along Highway 150 to the City of Santa Paula, including all points and places within 5 miles of either side of these described portions of Highways 399 and 150; and beginning at a point on Highway 126 laterally 5 miles distant (northerly from Highway 101, along

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Highway 126 northeasterly to the City of Fillmore; thence southerly along Highway 23 to Moorpark; thence easterly along Highway 118 to a point easterly from Santa Susana, distant 5 miles on either side of the above described portions of Highways 126, 23, and 118.

- \*6. Between all points and places in 1 and 2 above and all points on Highway 395, beginning at a point south of Temecula, being the boundary line of Los Angeles Basin Territory southerly along said highway to Miramar, being the northerly boundary of San Diego Territory, including all points and places within 5 miles of either side of this described portion of Highway 395, and including the points of San Marcos, Vista, Bonsall, Fallbrook, and Valley Center, which points may be within said 5 miles lateral line, although in perhaps one or two instances the boundary lines of these points might be distant slightly beyond a 5 mile lateral line.

\*Restricted to intrastate shipments weighing 750 lbs. or less.

Service to be performed between all certificated points and places within each of the territories hereinabove described, and to, and from, and between, all points and places within these described areas, and to use all available routes, streets and highways within or convenient, to use within or between these areas, to provide service at all points in all incorporated cities.

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Applicant shall not transport the following commodities:

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 the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
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.

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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 shore line of the Pacific Ocean to point of beginning.

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.

APPENDIX D TO DECISION NO. 76308

SAN DIEGO TERRITORY consists of the area bounded as follows: Beginning at the junction of Torrey Pines Road and U. S. Highway 101 (4 miles north of La Jolla); thence easterly to Miramar; thence southeasterly to Lakeside, located on State Highway 67; thence southerly to Bostonia; thence southeasterly to Jamil, located on State Highway 94; thence due south to the International Boundary; thence westerly along the International Boundary to the Pacific Ocean; thence along the Pacific coast to a point due west of the point of beginning; thence due east to the point of beginning.