

Decision No. 81377

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of ALCO TRANSPORTATION CO., a
California corporation, for an
extension of its Certificate of
Public Convenience and Necessity
to operate as a highway common
carrier for the transportation of
property in interstate and
intrastate and foreign commerce,
and for an In Lieu Certificate
of Public Convenience and
Necessity therefor.

Application No. 53212
(Filed March 17, 1972,
amended March 19, 1973)

Donald Murchison, Attorney at Law,
for applicant.

Carl Fritze, Attorney at Law,
for Griley Freightlines,
City Transfer, Inc., Smith
Transportation Co., Victorville-
Barstow Truck Line, Kern Valley
Trucking, Reliable Delivery
Service, Inc., and Los Angeles
City Express, Inc., and
Marshall G. Berol, Attorney at Law,
for Delta Lines, Inc., interested
parties.

O P I N I O N

By Decision No. 60986 dated November 1, 1960 in Application
No. 42257, Alco Transportation Co. (Alco) was authorized to transport
general commodities, with certain exceptions, as follows:

1. Between all points and places in the Los Angeles
Basin Territory.
2. Between all points on and within 5 miles
laterally of U. S. Highways 101 and 101-A
between Los Angeles and San Ysidro.

3. Between all points on and within 5 miles laterally of U. S. Highway 395 between San Bernardino and San Diego, inclusive.
4. Between all points on and within 5 miles laterally of State Highway 78 between Oceanside and Escondido, inclusive.
5. Between all points and places in the San Diego Territory.

Alco is also authorized to provide a corresponding service on shipments moving in interstate and foreign commerce.

By its original application, notice of which was published in the Federal Register, applicant requested authority to extend service locally throughout points in Southern California as far as San Luis Obispo, Bakersfield, Mojave, and Barstow and between said points, on the one hand, and points in the San Francisco Territory, on the other hand.

A public hearing on the original application was held before Examiner Daly on October 25 and 26, 1972, at Los Angeles. After presenting operating and public witness testimony the matter was continued to a date to be set. On March 19, 1973, the attorney for applicant and the attorneys appearing for all protesting parties filed a stipulation with the Commission whereby the scope of the application was greatly restricted by an amendment thereto, and the protestants changed their appearance to that of interested parties.

By its amended application applicant requests authority to extend service on shipments moving in intrastate, interstate, and foreign commerce between those points it is presently authorized to serve, on the one hand, and, on the other hand, all points on and within 10 miles laterally of U. S. Highway 101 and State Highway 1 north of the Los Angeles Basin Territory to and including Goleta.

Service to the extended area would be restricted against the handling of freight forwarder traffic.

Applicant proposes a daily overnight service on an "on-call" basis Monday through Saturday. It owns and operates 119 units of equipment and maintains terminals at Montebello and San Diego. As of August 31, 1972, applicant indicated a net worth in the amount of \$289,388.

Late-filed Exhibit 19 is a stipulation that, if called on behalf of applicant, 20 public witnesses would testify that the respective company of each witness ships or receives, via intrastate and/or interstate and foreign commerce, a variety of commodities between points presently served by applicant and points on U. S. Highway 101 and State Highway 1 to and including Goleta, and that it would be a convenience to have applicant handle their shipments to and from points in the proposed extended area.

After consideration the Commission finds that:

1. Applicant is a highway common carrier operating between points within Southern California.
2. As a result of an amendment to applicant's original application the proposed extension is to a restricted area contiguous to applicant's existing certificated area. Upon the amendment all protests to the application were withdrawn.
3. The proposed extension of applicant's service to the amended area would be a convenience to many of applicant's present customers who are using applicant to points within its existing certificated area and who also have occasion to make shipments moving in intrastate and interstate commerce to and from points in the proposed area.

4. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application as amended and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein.

5. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect upon the environment.

The Commission concludes that the amended application should be granted as set forth in the ensuing order. The territorial description of the authority granted reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operation as published in the Federal Register. Further public hearing is not necessary.

Applicant's operating authority will be restated in a new certificate in loose-leaf form.

Alco Transportation Co. 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. 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 Alco Transportation Co., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points particularly set forth in Appendix A 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. Failure so to do 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. 100-Series.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service and amend its tariffs on file with the Commission to reflect the authority granted herein.
- (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-Series.

- (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 applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 60986, which certificate is revoked 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 15th
day of MAY 1, 1973.

Verne L. Sturgeon
President
William Symons, Jr.
Charles W. [illegible]
[illegible]
Commissioners

ALCO Transportation Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. Between all points and places in the Los Angeles Basin Territory as described in Note A.
2. Between all points on and within 5 miles laterally of Interstate Highway 5 and State Highway 1, between Los Angeles and San Ysidro, inclusive.
3. Between all points on and within 5 miles laterally of U.S. Highway 395 (Interstate Highway 15), between San Bernardino and San Diego, inclusive.
4. Between all points on and within 5 miles laterally of State Highway 78, between Oceanside and Escondido, inclusive.
5. Between all points and places in the San Diego Territory as described in Note B.
6. Between all points and places as set forth in subparagraphs 1, 2, 3, 4 and 5 above, on the one hand, and on the other hand, Goleta via U.S. Highway 101 and State Highway 1, with service to all intermediate points north of the Los Angeles Basin Territory, on or within 10 miles laterally of said highways.

Restriction: The service described in subparagraph 6, is restricted against the handling of freight forwarder traffic.

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7. Through routes and joint rates may be established between any and all points described above and between the said points, on the one hand, and points served by other carriers, on the other hand, at the most convenient point of interchange.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.
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.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

NOTE A

LOS ANGELES BASIN TERRITORY

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 118, approximately two miles west of Chatsworth; easterly along State Highway 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 of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard, northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 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, including the point of March Air Force Base.

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NOTE B

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

(END OF APPENDIX A)

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