

ORIGINAL

Decision No. 84948

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)  
of: )S & H TRUCK LINES, INC., a )  
California corporation, to pur- )  
chase from CHURCHILL TRANSPOR- )  
TATION COMPANY, a California )  
corporation, the certificate )  
of public convenience and )  
necessity issued by the Public )  
Utilities Commission authoriz- )  
ing the transportation of spe- )  
cial commodities between )  
various points in the State of )  
California. )Application No. 55691  
(Filed May 1, 1975)In the Matter of the Application)  
of: )S & H TRUCK LINES, INC., a Cali- )  
fornia corporation, to purchase )  
from JANSEN TRANSPORTATION CO., )  
INC., a California corporation, )  
the certificate of public con- )  
venience and necessity issued by )  
the Public Utilities Commission )  
authorizing the transportation )  
of special commodities between )  
points in the Los Angeles Ter- )  
ritory. )Application No. 55773  
(Filed June 30, 1975)OPINION

Churchill Transportation Company and Jansen Transportation Co., Inc., California corporations, (sellers) request authority to sell and transfer and S & H Truck Lines, Inc., a California corporation, (purchaser) requests authority to purchase and acquire certificates of public convenience and necessity authorizing operations as a highway common carrier.

The certificate held by Churchill Transportation Company was granted by Decision No. 23795, dated June 15, 1931, in Application No. 17287, and transferred to seller by Decision No. 39348, dated August 27, 1946, in Application No. 27767, as amended by Decision No. 74084, dated May 7, 1968. The certificate is registered with the Interstate Commerce Commission in Docket No. MC-56945, Sub-No. 1. The certificate authorizes the transportation of specific commodities between various points within and between the Counties of Los Angeles, Orange, Riverside, and San Bernardino. Purchaser and seller also operate pursuant to permits issued by this Commission.

The certificate held by Jansen Transportation Co., Inc., was granted by Decision No. 53774, dated September 18, 1956, in Application No. 36470, and transferred to the present holder by Decision No. 65282, dated May 1, 1963, in Application No. 45302. The certificate is registered with the Interstate Commerce Commission in Docket No. MC-96835, Sub-No. 1. The certificate authorizes transportation of specified commodities, between points in the Los Angeles Territory. The seller also operates pursuant to permits issued by the Commission.

The purchaser proposes to seek corresponding authority from the Interstate Commerce Commission for approval of transfer of both of the Certificates of Registration.

The consideration to be paid by purchaser to Churchill Transportation Company for its intrastate certificate and the Certificate of Registration is Five Thousand Dollars (\$5,000.00), payable within sixty days after final approval of the sale and transfer as authorized by this Commission and the Interstate Commerce Commission.

Pursuant to the Agreement entered into by purchaser and Jansen Transportation Co., Inc., on June 25, 1975, the purchase price for the intrastate and interstate certificates

is \$10,000; the amount of \$2,000 is to be paid within 60 days after final administrative approval of the sale and transfer is granted by this Commission and the Interstate Commerce Commission. The balance of \$8,000 will be paid in monthly installments of \$500 or more at an interest rate of 8% per annum. No encumbrance of the certificate is created by the agreement and none is authorized herein.

It is alleged that purchaser has been engaged in business as a highway permit carrier since 1962; its management and other personnel are thoroughly experienced in the operations of a highway carrier service; it has more than sufficient equipment and financial ability to continue the highway common carrier services now provided by sellers. Purchaser's balance sheet of March 31, 1975 shows total assets of \$926,611.05 and liabilities of \$309,950.56. It operates 59 highway power vehicles and 174 trailing units.

Sellers are party to all Western Motor Tariff Bureau, Inc., Agent, tariff publications as are necessary for publication of rates to cover their operations under the certificates. Purchaser proposes to adopt those tariffs. A copy of each application has been forwarded to the California Trucking Association and notices of the filing of the applications were made in the Commission's Daily Calendars of May 20, 1975 (Application No. 55691) and July 1, 1975 (Application No. 55773). The applicants in both applications request relief from Rule 37 of the Commission's Rules of Practice and Procedure which requires wide dissemination of the applications on the basis of Rule 87 thereof to secure just, speedy and inexpensive determination of the issues presented. No protests to the applications have been received.

After consideration, the Commission finds that the deviation from Rule 37 should be authorized; that the proposed transfers would not be adverse to the public interest and

concludes that they should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfers are completed, the revocation of the certificates presently held by Churchill Transportation Company and Jansen Transportation Co., Inc., and the issuance of a certificate in appendix form to S & H Truck Lines, Inc. The operating rights will be restated in a new certificate. The new certificate will not broaden or change the interstate or foreign commerce rights held by the carriers.

Applicant purchaser is 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

The authorization granted shall not be construed as a finding of the value of the rights authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before February 1, 1976, Churchill Transportation Company and Jansen Transportation Co., Inc., may sell and transfer the operative rights referred to in the applications to S & H Truck Lines, Inc., a California corporation.
2. Within thirty days after the transfers the purchaser shall file with the Commission written acceptance of the certificates and true copies of the bills of sale or other instruments of transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier

operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfers. 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-Series. Failure to comply with the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfers authorized in paragraph 1 are completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to S & H Truck Lines, Inc., 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 set forth in Appendix A, attached hereto and made a part hereof.

5. The certificates of public convenience and necessity granted by Decision No. 23795 and transferred by Decision No. 39348, as amended, and Decision No. 53774 are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

7. Purchaser 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


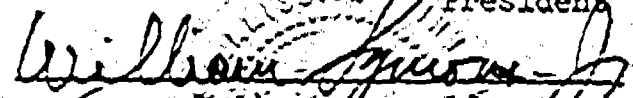


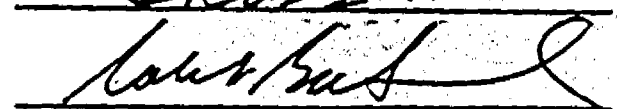
to time, shall prescribe.

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

9. The applicants are granted a deviation from Rule 37 of the Commission's Rules of Practice and Procedure to the extent requested in the applications.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of September, 1975.

  
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President  
  
  
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Commissioners

S & H Truck Lines, Inc., 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 following transportation:

I. Transportation between all points within the Los Angeles Territory as described in NOTE A of the following commodities:

1. IRON OR STEEL, VIZ.:
  - Bars
  - Barrels
  - Pipe
  - Scrap
  - Sheets, corrugated
  - Tubing
2. PAPER ARTICLES, as listed under that heading in Items Nos. 35785 through 36307 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.
3. PETROLEUM OR PETROLEUM PRODUCTS, IN PACKAGES, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as listed under that heading in Items Nos. 36390 through 36465 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.
4. ROOFING OR SIDING, OR ROOFING OR SIDING MATERIALS, VIZ.:
  - Building or roofing paper
  - Shingles, asphalt

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## 5. MISCELLANEOUS COMMODITIES, VIZ.:

Asphalt, liquid  
Boxes, fibreboard  
Floor tile  
Pulpboard or fibreboard  
Sheets, fibre  
Soapstone or talc  
Starch  
Tape, paper or cloth, gummed

## II. Transportation of the commodities hereinafter named in Paragraph III in quantities of two (2) tons or more as follows:

1. Between a point at the intersection of Foothill Road and the San Jacinto River (north of the City of San Jacinto) on the one hand and the City of Los Angeles and Los Angeles Harbor on the other hand, also between said point and the cities of Pomona, Colton, Riverside, San Bernardino, Ontario, Santa Ana, and Long Beach, on the other hand, over and along the following routes:
  - (a) Commencing at the intersection of Foothill Road and San Jacinto River (north of San Jacinto) thence south on Foothill Road to its intersection with Central Avenue, thence southeasterly along Central Avenue through San Jacinto to Florida Avenue in Hemet, thence westerly on Florida Avenue to its intersection with U.S. Highway 395 thence to its junction with State Highway 60 in the City of Riverside, thence along State Highway 60 to its junction with Interstate Highway 10 in the City of Los Angeles, thence to its junction with Alameda Street, thence along Alameda Street to Los Angeles Harbor. With intermediate service to the cities of Riverside, Ontario, Pomona and Los Angeles.
  - (b) Commencing at the intersection of Foothill Road and San Jacinto River (north of San Jacinto) thence south on Foothill Road to its intersection with Central Avenue, thence southeasterly along

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Central Avenue through San Jacinto to Florida Avenue in Hemet, thence westerly on Florida Avenue to its intersection with U.S. Highway 395, thence to the City of San Bernardino with intermediate service to the City of Colton.

- (c) Commencing at the intersection of Foothill Road and San Jacinto River (north of San Jacinto), thence south on Foothill Road to its intersection with Central Avenue, thence southeasterly along Central Avenue through San Jacinto to Florida Avenue in Hemet, thence westerly on Florida Avenue to its intersection with U.S. Highway 395, thence to its junction with U.S. Highway 91, thence to its junction with State Highway 55 near the unincorporated community of Olive thence to its junction with Lincoln Avenue in the unincorporated community of Olive, (diversion when serving the City of Santa Ana from Olive - along Orange - Olive Road, Glassell Street and Grand Avenue to Santa Ana) thence to its junction with Norwalk Boulevard, thence via Norwalk Boulevard and Los Alamitos Boulevard to Westminster Boulevard, thence to its junction with State Highway 1, thence to its junction with Anaheim Boulevard in the City of Long Beach, thence via Anaheim Boulevard to Los Angeles Harbor.

With the right to pick up and deliver at all points located laterally within six miles of routes described in Paragraph II hereof between point of beginning and the intersection of State Highway 74 and State Highway 79 west of the City of Hemet. Also, to pick up and deliver within the city limits of the cities of Colton, Long Beach, Ontario, Pomona, Riverside, San Bernardino, San Pedro, Santa Ana and Wilmington, and all points in the City of Los Angeles east of Western Avenue subject to the following restrictions:

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- Restrictions: (1) No service shall be performed locally between the City of Los Angeles and Los Angeles Harbor, nor between Colton, Long Beach, Pomona, Ontario, Riverside, San Bernardino and Santa Ana.
- (2) No service shall be performed between Gilman Hot Springs, Soboba or Idylwild.

III. Transportation authorized in Paragraph II above is limited to the following commodities:

To and from Los Angeles and Los Angeles Harbor

Canned Fruit, Dried Fruit, Cannery Supplies, Shook, Sugar, Cans, Machinery, Spray Material, Honey, Green Fruit, Alfalfa Seed, Beans, Potatoes, Onions, Sacked Vegetables, Watermelons, Squash, Oranges and Deciduous Fruits, Grain and Mixed Feeds, Fertilizer, Coke, Furniture, Lumber, Building Materials, Pipe, Well Casing, Tanks, Lubricating oil, Case Goods, Hay, Straw, Live-stock, Steel, and Iron.

To and from Pomona, Colton, San Bernardino and Riverside

Oranges, Deciduous Fruits, Grain, Mixed Feeds, Fertilizer, Coke, Building Materials, Hay and Straw.

To and from Ontario

Canned Fruit, Dried Fruit, Cannery Supplies, Shook, Sugar, Cans, Machinery, Spray Material, Honey, Green Fruit, Grain, Mixed Feeds, Fertilizer, Coke, Hay, and Straw.

To and from Santa Ana and Long Beach

Canned Fruit, Dried Fruit, Cannery Supplies, Shook, Sugar, Cans, Machinery, Spray Material, Honey, Alfalfa Seed, Beans, Grain, Mixed Feeds, Fertilizer, Coke, Hay, and Straw.

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- IV. Restriction: To the extent of any duplication of the operative rights authorized in this certificate, such operative rights may not be separated to permit S & H Truck Lines, Inc., to sell or transfer one portion of this certificate authority and retain another portion of this certificate authority to perform the same service.

## NOTE A

## LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof 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 (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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