

ORIGINAL

Decision No. 85067

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of VICTORVILLE-BARSTOW TRUCK LINE,)
 a California corporation, for a)
 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.)

Application No. 55657
 (Filed April 28, 1975)

O P I N I O N

Victorville-Barstow Truck Line, a California corporation, presently providing service as a highway common carrier for the transportation of general commodities, with the usual exceptions, between points within the Los Angeles Basin Territory and points in the desert area adjacent to and northeast thereof, requests authority to extend service between Harvard Siding (approximately 10 miles east of Yermo) and Baker, via Interstate Highway 15 serving intermediate points and places laterally within 9 miles of said route. Applicant also proposes to provide a corresponding interstate service. A copy of the application was served upon several carriers presently serving the area and the California Trucking Association. Notice of the filing of the application was made in the Commission's Daily Calendar of April 30, 1975. An appropriate notice was published in the Federal Register on May 14, 1975.

Applicant requests relief from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure which requires copies of the application to be widely disseminated. It is alleged that the deviation is justified under Rule 87, to provide just, speedy and inexpensive determination of the issues presented. No protests to the application have been received.

Applicants' present certificate was granted by Decision No. 80998 dated January 30, 1973, in Application No. 53336, as amended, by Decision No. 81143, and is registered with the Interstate Commerce Commission in Docket No. MC-97863. In addition to its certificated service applicant also conducts operations as a permitted carrier.

Applicant operates 101 pieces of highway equipment and as of May 31, 1975, indicated a net worth in the amount of \$355,468.92. In its verified statement applicant indicates that it has performed interstate service in the requested area under temporary authority of the Interstate Commerce Commission granted in Docket No. MC-97863 (R-3, ETA) effective May 27, 1975, and has provided on-call intrastate service under its California permitted authority. Allegedly, it has received additional requests for service in the area and the grant of the authority will allow applicant to provide a regular and more complete service in the sparsely settled desert area. Service to the requested area will be on-call and will be coordinated with applicant's existing certificated operations to enhance its overall service to the public.

Applicant participates in the rates set forth in the various tariffs published by Western Motor Tariff Bureau, Inc., Agent, as are necessary to cover operations in intrastate and interstate and foreign commerce. It proposes to establish rates, rules and regulations under the requested certificate of public convenience and necessity as set forth in said tariffs to which it is a party.

After consideration the Commission finds that:

1. Applicant is presently providing intrastate and interstate service as a certificated carrier in an area adjacent to the area requested and intrastate service as a permitted carrier within the requested area.

2. Applicant is presently serving the requested area for interstate traffic under temporary authority issued by the Interstate Commerce Commission.

3. Applicant possesses the necessary equipment and financial ability to provide the proposed service.

4. Notice of this application appeared in the Federal Register on May 14, 1975.

5. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application, 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.

6. With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment.

7. Applicant has requested relief from Rule 37 of the Commission's Rules of Practice and Procedure.

The Commission concludes that the application should be granted as set forth in the ensuing order and that applicant's operating authority should be restated in appendix form. The territorial descriptions or routes of the authority granted will not in any way exceed the geographical scope of the proposed operation as published in the Federal Register. A public hearing is not necessary.

Applicant 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 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 Victorville-Barstow Truck Line, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes as more 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 herein authorized and amend its tariffs on file 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. 80998, as amended, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

4. The applicant is granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

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

Dated at San Francisco, California, this 28th day of
October, 1975..


President










Commissioners

VICTORVILLE-BARSTOW TRUCK LINE, 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:

- I. Between points within the Los Angeles Basin Territory as described in Note A.
- II. Between the Los Angeles Basin Territory, on the one hand, serving all intermediate points, and on the other hand:
 - A. Palmdale, via Interstate Highway 5 and State Highway 14.
 - B. Points on Interstate Highway 15, to its junction with State Highway 58 near Barstow.
- III. Between points and places in the Mojave Desert Area as follows:
 - A. Between Palmdale and Mojave via State Highway 14.
 - B. Between Mojave and Harvard Siding (approximately 10 miles east of Yermo), via State Highway 58 and Interstate Highway 15.
 - C. Between Palmdale, and junction of State Highway 138 and Interstate Highway 15 via State Highway 138.
 - D. Between Barstow and the Marine Corps Field Artillery and Anti-Aircraft Training Center (approximately 6 miles north of Twentynine Palms), via Interstate Highway 40, U.S. Highway 66 and Amboy Road.
 - E. Between Yermo and Daggett over unnumbered road.
 - F. U.S. Highway 395 between its junctions with Interstate Highway 15 and State Highway 58.

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- G. Between Lucerne Valley and junction of State Highway 18 and Interstate Highway 15 via State Highway 18.
- H. Between Victorville and Barstow via National Trails Highway and Lenwood, Hodge, Helendale and Oro Grande.
- I. Between Barstow and Bicycle Lake (including Fort Irwin) over unnumbered road.
- J. Air Base Road, between Adelanto and its junction with National Trails Highway.
- K. Between Little Rock and State Highway 58 via 87th Street East and 90th Street East to Redman; thence via Avenue E to 120th Street East and Lancaster Boulevard to Edwards; thence via Lancaster Boulevard and Rosamond Boulevard to State Highway 58 near Edwards Station.
- L. Between Victorville and junction of State Highway 18 and State Highway 138 east of Llano via State Highway 18.
- M. Between Lancaster and Adelanto over unnumbered road.
- N. Between Rosamond and junction of Rosamond Boulevard and Lancaster Boulevard near Edwards via Rosamond Boulevard.
- O. Between Palmdale and Adelanto over unnumbered road.
- P. Between San Bernardino and Barstow (including its junction with State Highway 58), over Interstate Highway 15.
- Q. Between Harvard Siding (approximately 10 miles east of Yermo) and Baker, via Interstate Highway 15.

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IV. Between Intermediate and off-route points as follows:

1. Serving all intermediate points and off-route points located laterally within nine miles of all the routes described in Parts II and III except intermediate and off-route points east of Newberry on Interstate Highway 40, on U.S. Highway 66 and on Amboy Road between Amboy and Marine Corps. Field artillery and Anti-Aircraft Training Center near Twenty-Nine Palms.
2. Operating over all accessible public highways between all of said termini, intermediate and off-route points in combination one with the other.

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 salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. 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.
3. 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.

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4. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
6. Logs.
7. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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 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 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

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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.

(END OF APPENDIX A)

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