

Decision No. 80244 APR 24 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EVANS FREIGHT LINE, INC., 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 intrastate and inter-)
state and foreign commerce and for)
an in lieu Certificate therefor.)

Application No. 58475
(Filed November 15, 1978)

O P I N I O N

Applicant is a California corporation presently operating as a highway common carrier pursuant to a certificate of public convenience and necessity granted by Decision 80102, dated May 31, 1972, in Application No. 53264. The certificate authorizes transportation of general commodities generally between the City of Los Angeles and points within 30 statute miles thereof and points intermediate between that area and Yermo on the one hand and, on the other hand, Baker and points north and east thereof. The certificate contains certain operational restrictions and is registered with the Interstate Commerce Commission in Docket No. MC-136955 (Sub-No. 1).

Applicant has applied herein for a certificate of public convenience and necessity to authorize transportation of general commodities with the usual exclusions and would expand its operating right by the elimination of certain restrictions, the addition of others and the substitution of the Los Angeles Basin Territory and points within 30 miles thereof for the City of Los Angeles as referred to in its present certificate.

Applicant proposes to provide the service on a daily "on call" basis, Monday through Friday, excluding Sundays and holidays. The service will be overnight and applicant proposes Saturday delivery service upon request.

Applicant is presently a party to Western Motor Tariff Bureau, Inc., Agent, tariff publications as are necessary within the territory covered by applicant's present certificate, both as to intrastate and interstate and foreign commerce operations. It proposes to participate in the same tariffs for rates and charges in the extended territory proposed to be served.

Applicant's operating equipment includes four highway vehicles which will be increased in number as the demands of the shipping public require. The balance sheet of September 30, 1978 which sets forth applicant's financial status indicates a net worth of \$14,112.31 and current assets of \$24,372.45.

In support of its request, applicant alleges:

1. It has operated between points in California in intrastate and interstate and foreign commerce for a period of years under its certificated authority.

2. It has received numerous requests from various shippers having movements of general commodities to, from and between the points and places located in the proposed extended service area.

3. During the past few years, there has been a substantial increase in population and industry in the extended area proposed to be served.

4. It is informed and believes there is a lack of the type of service now rendered by it in its present service area from, to and between the additional points herein sought to be served.

5. It will be able to serve the additional area encompassed by the proposed in-lieu certificate more effectively and the proposed in-lieu certificate will be easier to interpret. If the existing restrictions in applicant's authority ever served any particular purpose, they have long since outlived their usefulness.

A copy of the application has been served on the California Trucking Association and the applicant requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. Notice of filing of the application appeared in the Commission's Daily Calendar of November 20, 1978 and was published in the Federal Register on March 8, 1979. No protests to the application have been received.

The Commission finds that:

1. Applicant has the experience, equipment, and financial resources to institute and maintain the proposed service.
2. 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 this decision.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order and the request for relief from the Commission Rules of Practice and Procedure should also be granted. The territorial descriptions or routes of the authority granted reflect the names of redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

This grant will include all authority held by the applicant under its prior certificate which will be revoked.

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 Evans Freight Line, Inc., 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 set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the rules administered by 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 of this order, applicant shall establish the authorized service and amend or 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 authorized service.
- (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 April 30 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. 80102, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 24th day of APRIL, 1979.

John E. Boyer
President
Herbert L. Steiner
Richard A. Smith
Philip J. Friedrich
Harold J. Spring
Commissioners

Evans Freight Line, 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 transportation of general commodities as follows: Between the Los Angeles Basin Territory, as described in Note A and points and places on Interstate Highway 15 between the Los Angeles Basin Territory and Yermo, on the one hand, and, on the other hand, points and places on and within 15 statute miles of Interstate Highway 15 or California State Highway 127 between Baker and the California-Nevada State Line, and California State Highway 190 between its junction with California State Highway 127 and Stove Pipe Wells.

RESTRICTIONS:

1. No express traffic handled by said applicant as an underlying carrier for any express corporation authorized to serve said points or any of them, may be transported between Yermo, on the one hand, and points on California State Highway 127 between Baker and the California-Nevada State Line, inclusive, on the other hand, where said shipments may have received or would receive a prior or a subsequent movement by rail to or from Yermo.
2. That no shipment of milk in bottles or in bulk, nor empty milk containers returning, may be transported between Barstow and any points on California State Highway 127 between Baker and the California-Nevada State Line, inclusive.

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, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates,

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- 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. 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-type trucks or trailers or in hopper-type trucks or trailers.
 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
 7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
 8. Logs.
 9. Articles of extraordinary value.
 10. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
 11. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.

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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 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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