

Decision No. 61332**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
ASSOCIATED FREIGHT LINES, a corpo-  
ration, for an in lieu certificate  
of public convenience and necessity  
as a highway common carrier.

Application No. 42693

Marvin Handler and James Mastoris, for applicant.O P I N I O N

In this application, filed on September 26, 1960, Associated Freight Lines, a California corporation, seeks authority to extend and enlarge its highway common carrier operating rights in order to transport general commodities with certain exceptions between various points in the San Francisco Bay Area, the San Joaquin Valley and Southern California.

A public hearing on this application was held before Examiner Edward G. Fraser in San Francisco on November 16, 1960, at which time evidence was presented by the applicant and the matter duly submitted.

Under its present certificate, this carrier possesses authority for the transportation of general commodities between certain points in the San Francisco Bay Area, as well as between the San Francisco and Los Angeles Territories. In addition to its certificate, applicant possesses radial highway common carrier, highway contract carrier and city carrier permits.

The applicant presented oral and documentary evidence in justification for the authority requested, establishing that its customers continually request service to and from the extended territory proposed to be served. Shippers who appeared as witnesses

claimed that the extension of the applicant's operations into the proposed area will simplify their pickup and delivery problems, reduce congestion at their loading platforms and provide split delivery rate advantages not now available in view of the limitations of carrier's certificate. Many shippers expressed a definite need for the San Francisco to San Diego overnight service proposed by applicant. At present, the applicant and Peninsula Motor Express, a California corporation and a highway common carrier operating under certificates from this Commission, operate under common control. The merger of Peninsula Motor Express and Associated Freight Lines, the applicant herein, was approved by this Commission in Decision No. 61210, dated December 20, 1960, in Application No. 42943. It is alleged that said merger will consolidate the operating authorities of both carriers, thus providing an integrated and complete service to points in the San Francisco Bay Area, the San Joaquin Valley and to the extended Southern California territory. At present, interline service is performed by the two companies; however, such service does not reach all points in the proposed territory. Peninsula Motor Express, the surviving corporation, has changed its name to Associated Freight Lines. The merger agreement has been consummated and filed with the Secretary of State.

There were no protests to this application.

Upon consideration of the allegations of the application and the evidence produced at the hearing, the Commission finds that public convenience and necessity require that the application be granted. We find and conclude that there is a present and future need for the proposed extension and that the applicant possesses the experience, equipment and terminal facilities to extend its certificate and maintain the operations to be authorized. The Commission is of the opinion that the carrier's financial position is adequate

and satisfactory for the purposes intended. In order to incorporate the authority granted in the order that follows, an in-lieu certificate will be issued to Associated Freight Lines, the surviving corporation, accompanied by an attached appendix in loose-leaf form. Appendices A, B and C, therefore, as set forth in said order, will encompass the entire certificate, as revised, of Associated Freight Lines.

Associated Freight Lines 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

Application having been filed, a public hearing having been held, and based upon the above findings,

## IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Associated Freight Lines, a corporation, authorizing the establishment and operation of service as a highway common carrier, as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes set forth in Appendices A, B and C attached hereto and made a part hereof.

2. That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. Failure to file such reports in such form and at such time as the Commission may direct or to comply with and observe the provisions of General Orders Nos. 99 and 100-A, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission.

3. That the certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes the certificates of public convenience and necessity granted by Decision No. 43003 dated June 14, 1949 in Application No. 24057; Decision No. 25744 dated March 20, 1933 in Application No. 18745; Decision No. 29196 dated October 19, 1936 in Application No. 19838; Decision No. 29925 dated July 7, 1937 in Application No. 20847; Decision No. 33478 dated September 10, 1940 in Application No. 23410; Decision No. 33731 dated December 17, 1940 in Application No. 23410; Decision No. 36046 dated December 22, 1942 in Application No. 25353; Decision No. 36048 dated December 22, 1942 in Application No. 25342; Decision No. 38311 dated October 16, 1945 in Application No. 26523; Decision No. 43054 dated June 28, 1949 in Application No. 30368; Decision No. 47996 dated December 2, 1952 in Application No. 32605; Decision No. 48008 dated December 2, 1952 in Application No. 32606; ✓

Decision No. 59787 dated March 15, 1960 in Application No. 39789 and Decision No. 52379 dated May 7, 1959 in Application No. 39789, which certificates are hereby canceled and revoked, said revocation to become 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 10<sup>th</sup> day of January, 1961.

Arthur W. Page  
President

John E. McFadden

E. L. Taylor

Commissioners

Associated Freight Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities as follows:

1. Between all points and places in the following described territories:
  - a. San Francisco Territory as described in Appendix B attached hereto.
  - b. Los Angeles Basin Territory as described in Appendix C attached hereto.
  - c. All points within a radius of 25 miles of Sacramento.
2. Between all points located on the following highways:
  - a. U.S. Highway 101 between San Rafael and the junction with State Highway 37 near Ignacio, inclusive.
  - b. State Highway 37 between junction with U.S. Highway 101 near Ignacio and Napa, inclusive.
  - c. State Highway 42 between Sears Point and junction with State Highway 29, inclusive.
  - d. State Highway 29 between junction with State Highway 42 and Napa, inclusive.
  - e. U.S. Highway 101 between Salinas and Santa Maria, inclusive.
3. Between all points located on and within 5 miles laterally of the following named highways:
  - a. State Highway 1 between Santa Cruz and Carmel.
  - b. U.S. Highway 99 between Bakersfield and San Fernando, inclusive.

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4. Between all points located on and within 10 miles laterally of the following named highways:
  - a. State Highway 17 between Campbell and Santa Cruz, inclusive.
  - b. U.S. Highway 101 between Santa Maria and Santa Barbara, inclusive.
  - c. State Highway 1 between Orcutt and Las Cruces, inclusive, including Vandenberg Air Force Base.
  - d. U.S. Highway 101 between San Clemente and San Ysidro, inclusive.
5. Between all points located on and within 15 miles laterally of the following named highways:
  - a. U.S. Highway 101 between the northerly limits of the Los Angeles Basin Territory and Santa Barbara, inclusive.
  - b. U.S. Highway 101 Alternate between northerly limits of the Los Angeles Basin Territory and junction with U.S. Highway 101 near Oxnard, inclusive.
  - c. State Highway 118 between Chatsworth and junction with U.S. Highway 101 near Ventura, inclusive.
  - d. U.S. Highway 395 between the southerly limits of the Los Angeles Basin Territory and San Diego, inclusive.
6. Between all points located on and within 20 miles laterally of the following named highways:
  - a. U.S. Highway 101 between San Rafael and San Francisco, and between San Jose and Salinas, inclusive.
  - b. U.S. Highway 40 between Richmond and Sacramento, inclusive.

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- c. U.S. Highway 50 between Eayward and Stockton, inclusive.
  - d. U.S. Highways 50 and 99 between Stockton and Sacramento, inclusive.
  - e. State Highway 24 between Oakland and Sacramento, inclusive.
  - f. State Highway 4 between junction with U.S. Highway 40 near Pinole and Stockton, inclusive.
  - g. State Highway 12 between junction with U.S. Highway 40 near Fairfield and Lodi, inclusive.
  - h. State Highway 21 between Dublin and junction with U.S. Highway 40 near Cordelia, inclusive.
  - i. Unnumbered highway known as Vasco Road between Brentwood and junction with U.S. Highway 50 near Livermore, inclusive.
  - j. Unnumbered highway known as Franklin Blvd., Thornton Road and Pacific Avenue, between Sacramento and Stockton, inclusive.
  - k. State Highway 33 between junction with U.S. Highway 50 near Tracy and Maricopa, inclusive.
7. Between all points located on and within 25 miles laterally of U.S. Highway 99 between Stockton and Bakersfield, inclusive.
8. Through routes and rates may be established between any and all points described in subparagraphs 1 through 7 hereof, inclusive.
9. Applicant may use any and all highways and routes between the areas described for operating convenience only.

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10. Applicant shall not transport any shipments of:
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. 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.

End of Appendix A

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SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; north-easterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

APPENDIX C TO DECISION NO. \_\_\_\_\_

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; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly 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; southwesterly 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.