

EX

ORIGINAL

Decision No. 79072

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SOUTH CITY FREIGHT LINES, INC.,)
a California corporation, for)
authority to transfer operating)
rights to SAGE TRANSPORTATION)
INCORPORATED, a California)
corporation.)

Application No. 52700
(Filed June 21, 1971)

O P I N I O N

South City Freight Lines, Inc. requests authority to sell and transfer, and Sage Transportation Incorporated requests authority to purchase and acquire, certain operating authority.

The authority to be transferred was granted to South City Freight Lines, Inc. by Decision No. 70842, dated June 14, 1966, in Application No. 47733, as amended by Decision No. 71019 dated July 26, 1966. It authorizes operation as a highway common carrier of general commodities, with the usual exceptions, throughout the San Francisco Territory and to Ignacio, Napa, Sonoma, Vallejo, Oakland, Antioch, Moraga, Dublin, Martinez, Livermore and Pleasanton. Applicant South City Freight Lines, Inc., also holds an Interstate Commerce Commission contract carrier permit which is not a part of this transaction.

It is alleged that Sage Transportation Incorporated has operated in the area covered by the certificate to be transferred since 1961, as a permitted carrier.

The agreed cash consideration is \$10,000. The gross income received by Sage Transportation Incorporated during the year 1970 was \$207,255.84, with a net profit of \$22,855.69.

The application was listed on the Commission's Daily Calendar of June 22, 1971. No objection to granting the application has been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by South City Freight Lines, Inc. and the issuance of a certificate in appendix form to Sage Transportation Incorporated.

Sage Transportation Incorporated 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, these 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. On or before October 1, 1971, South City Freight Lines, Inc. may sell and transfer, and Sage Transportation Incorporated may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said 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 consummation of the transfer herein authorized. 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-A. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Sage Transportation Incorporated, 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 Appendices A and B attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 70842, as amended by Decision No. 71019, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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-F.

8. 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.

9. 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.

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

Dated at San Francisco, California, this
24th day of AUGUST, 1971.

[Signature]
Chairman
William Higgins
[Signature]
Vernon L. Stinson
[Signature]
Commissioners

Sage Transportation Incorporated, a corporation, 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 within San Francisco Territory as defined in Appendix B hereto attached and within 5 miles of the boundary thereof.
2. Between all points and places within the area described in Paragraph 1, on the one hand, and all points and places on and within 5 miles laterally of the following highways. (See Restriction.)
 - a. U.S. Highway 101 between San Francisco and the junction of said highway with State Highway 37 one north of Ignacio, inclusive;
 - b. State Highway 37 between Ignacio Junction and junction of said highway with State Highway 121, inclusive;
 - c. State Highway 121 between the junction of said highway with State Highway 37 and Napa, inclusive, including the off-route point of Sonoma;
 - d. U.S. Highway 40 between San Francisco and Vallejo, inclusive;
 - e. State Highway 29 between the junction of said highway with U.S. Highway 40 and Napa, inclusive;
 - f. State Highway 4 between the junction of said highway with U.S. Highway 40 and the junction of said highway with State Highway 21;
 - g. State Highway 24 between Oakland and Antioch, inclusive, including the off-route point of Moraga;
 - h. State Highway 21 between Dublin and Martinez, inclusive, and
 - i. U.S. Highway 50 between San Francisco and Livermore, inclusive, including the off-route point of Pleasanton.

Issued by California Public Utilities Commission.

Decision No. 79072, Application No. 52700.

RESTRICTION: The transportation authorized in Paragraph 2 hereof shall be limited to split delivery shipments having point of origin within San Francisco Territory as described in Appendix B, attached hereto, and one or more component parts of which are destined to a point or points within the San Francisco Territory and one or more component parts of which are destined to a point or points described in said Paragraph 2.

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 Item No. 5 of Minimum Rate Tariff No. 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, boards, 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. Fresh fruits and vegetables.
9. Hay, Fodder and straw in machine-pressed bales.
10. New uncrated furniture.
11. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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SAN FRANCISCO TERRITORY

Beginning at the foot of Market Street in the City and County of San Francisco; thence northerly and westerly along the shoreline of San Francisco Bay; thence westerly and southerly along the Pacific Ocean shoreline to the extension of Belcrest Avenue; easterly on Belcrest Avenue to Skyline Drive; northerly on Skyline Drive to Gateway Drive; easterly and southerly along Gateway Drive to Hickey Boulevard; easterly on Hickey Boulevard to Skyline Boulevard (SSR 35); southerly along Skyline Boulevard to Sharp Park Road; westerly on Sharp Park Road to Ysabel Drive; southerly on Ysabel Drive to its end; thence easterly in a direct line to the end of County Jail Road; southerly and easterly along County Jail Road and its extension Moreland Drive to College Drive; easterly along College Drive to Skyline Boulevard; southerly along Skyline Boulevard to Crystal Springs Road; easterly on Crystal Springs Road to the intersection of said road and Polhemus Road; thence southeasterly in a direct line to the intersection of Parrott Drive and Bel Aire Drive; thence southerly on Parrott Drive to Cheviott Drive; thence southwesterly in a direct line to the intersection of Haskins and East Laurel Creek Road; westerly on East Laurel Creek Road to Bartlett Way; thence westerly and southerly on Bartlett Way to Naughton Avenue; easterly on Naughton Avenue to Hillcrest Drive; southerly on Hillcrest Drive to Belmont Canyon Road; easterly and southerly on Belmont Canyon Road to Ralston Avenue; northwesterly on Ralston Avenue to Hallmark Drive; southerly on Hallmark Drive to the intersection at Wemberley Drive; thence southerly in a direct line to the end of Barbara Way; southerly on Barbara Way to Malabar Road; southerly on Malabar Road and along its extension Crestview Drive to Brittain Avenue; northeasterly along Brittain Avenue to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Howard Avenue; westerly on Howard Avenue to Thornhill Drive; westerly and southerly along Thornhill Drive to De Anza Avenue; westerly on De Anza Avenue to Terrace Road; southerly on Terrace Road to Eaton Avenue; easterly on Eaton Avenue to Roland Way; southerly on Roland Way to Bromley Drive; southeasterly on Bromley Drive to its extension Clifford Avenue; easterly and northerly along Clifford Avenue to Eaton Avenue; easterly on Eaton Avenue to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Whipple Avenue; southwesterly on Whipple Avenue to Upland Road; westerly on Upland Road to Cordilleras Road; southerly on Cordilleras Road to Canyon Road; southerly and easterly along Canyon Road to Highland Avenue; westerly and southerly along Highland Avenue to Jefferson Avenue; southwesterly along Jefferson Avenue to Godetia Drive; thence westerly from the intersection at Jefferson Avenue and Godetia Drive to the end of Harcross Road; northeasterly on Harcross Road to Fernside Street; southeasterly on Fernside Street to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Woodside Road; southwesterly on Woodside Road to Moore Road; easterly on Moore Road and its extension Reservoir Road to Walsh Road; northerly on Walsh Road to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Santa Cruz Avenue; along Santa Cruz Avenue and its continuation Junipero Serra Boulevard to

SAN FRANCISCO TERRITORY (Continued)

its end at Arastradero Road; easterly on Arastradero Road to Manuella Avenue; southerly along Manuella Avenue to Estacada Drive; easterly on Estacada Drive to Miranda Road; southerly on Miranda Road to Fremont Road; easterly on Fremont Road to Edith Road; easterly on Edith Road to West Edith Avenue; westerly on West Edith Avenue to Lincoln Avenue; southeasterly on Lincoln Avenue to University Avenue; southeasterly along University Avenue to Fremont Avenue; southerly and easterly on Fremont Avenue to Grant Road; southeasterly on Grant Road to Foothill Boulevard; southerly on Foothill Boulevard and its continuation Stevens Canyon Road to Mount Eden Road; southeasterly on Mount Eden Road to Pierce Road; southerly on Pierce Road to Congress Springs Road (SSR 9); easterly on Congress Springs Road and its continuation Big Basin Way to 6th Street; southerly on 6th Street to Bollman Road; southerly along Bollman Road to the intersection with Belnap Drive; thence easterly from said intersection in a straight line to the end of Bainter Avenue; easterly on Bainter Avenue to Ravine Road; northeasterly on Ravine Road to Austin Way; easterly on Austin Way to Lancaster Road; southerly on Lancaster Road to Ojai Drive; southerly along Ojai Drive to its intersection with Lucky Road; thence southeasterly in a direct line to the intersection of Greenwood Road and Withey Road; easterly along Withey Road to Hernandez Avenue; southerly and easterly on Hernandez Avenue to Wissahickon Avenue; southerly on Wissahickon Avenue to Live Oak Avenue; westerly on Live Oak Avenue to Madrone Avenue; southerly on Madrone Avenue to its end; thence southeasterly in a straight line to the intersection of Laurel Avenue and Manzanita Avenue; easterly on Manzanita Avenue to Oak Knoll Road; southerly along Oak Knoll Road to its end; thence southeasterly in a straight line to the end of Wood Road; easterly on Wood Road to Santa Cruz Avenue; southerly on Santa Cruz Avenue to San Jose-Los Gatos Freeway (SSR 17); northeasterly on the San Jose-Los Gatos Freeway to East Main Street; easterly on East Main Street to Alpine Avenue; southeasterly on Alpine Avenue to Foster Road; northerly on Foster Road to Johnson Avenue; southeasterly on Johnson Avenue to Grove Street; easterly and northerly on Grove Street and its extension, Phillips Avenue to South Kennedy Road; easterly on South Kennedy Road to Kennedy Road; thence northeasterly in a straight line to the intersection of Shannon Road and Shannon Heights Road; northwesterly on Shannon Heights Road to Shannon Road; easterly along Shannon Road to Hicks Road; northerly on Hicks Road to Kooser Road; northeasterly on Kooser Road and its extension, Downer Avenue to Snell Road; northerly on Snell Road to Chynoweth Avenue; easterly on Chynoweth Avenue to Monterey Road (SSR 32); southeasterly on Monterey Road to Bayshore Freeway (U.S. Highway 101); northwesterly on Bayshore Freeway to Tully Road; northeasterly on Tully Road to Quimby Road; southeasterly on Quimby Road to White Road; northwesterly on White Road to Penitencia Creek Road; easterly on Penitencia Creek Road to Piedmont Road; northwesterly on Piedmont Road to Sierra Road;

SAN FRANCISCO TERRITORY (Continued)

southwesterly on Sierra Road to Morrill Road; northwesterly on Morrill Road to Cropley Avenue; southwesterly on Cropley Avenue to No. Capitol Avenue; northwesterly on No. Capitol Avenue to Trimble Road; southwesterly on Trimble Road to Nimitz Freeway (Interstate 680, SSR 17); northwesterly on Nimitz Freeway to the Santa Clara County Line; northeasterly along the Santa Clara County Line to Mission Peak; thence northerly in a direct line to the point where the Hetch Hetchy Water Line intersects the P G and E Power Line; thence westerly from said point in a straight line to the intersection of Interstate 680 (SSR 21) and Vargas Road; thence northwesterly along Vargas Road to Morrison Canyon Road; thence northwesterly in a straight line to the end of Old Niles Canyon Road; southeasterly along Old Niles Canyon Road to Niles Canyon Road; southeasterly along Niles Canyon Road to Mission Boulevard; northwesterly on Mission Boulevard (SSR 238) to Blanche Street; northeasterly on Blanche Street to Trevor Avenue; southeasterly on Trevor Avenue to Bernice Way; easterly and northerly on Bernice Way to Chicoine Avenue; northwesterly on Chicoine Avenue to MacDonald Way; northerly on MacDonald Way to its end; thence northwesterly in a direct line to the end of Faircliff Street; along Faircliff Street to Treeview Street; northwesterly on Treeview Street to its end; thence northwesterly in a direct line to Larrabee Street; northwesterly on Larrabee Street to Woodland Avenue; westerly on Woodland Avenue to Mission Boulevard; northwesterly on Mission Boulevard to Webster Street; easterly on Webster Street to East 17th Street; northerly on East 17th Street to Calhoun Street; westerly on Calhoun Street to Mission Boulevard; northwesterly on Mission Boulevard to Harder Road; easterly on Harder Road to its end; thence easterly in a straight line to the intersection of Grand View Avenue and Cotati Street; thence northeasterly on Cotati Street to Dobbel Avenue; northwesterly on Dobbel Avenue to Civic Avenue; northerly on Civic Avenue to Hayward Boulevard; northwesterly on Hayward Boulevard to Campus Drive; northeasterly and northwesterly on Campus Drive to 2nd Street; northwesterly on 2nd Street to E Street; easterly on E Street to 5th Street; northerly on 5th Street to D Street; easterly on D Street to 7th Street; thence northeasterly in a straight line to the intersection of Templeton and Hill Avenues; easterly on Hill Avenue to Vermont Street; ; northerly on Vermont Street to B Street; easterly on B Street to Center Street; northerly on Center Street to the San Lorenzo Creek; easterly and northerly along the San Lorenzo Creek to U.S. Highway 50; westerly on U.S. Highway 50 to Center Street; easterly and northerly on Center Street to Seaview Avenue; westerly on Seaview Avenue to Redwood Road; northerly on Redwood Road to the San Leandro Creek; westerly along the northern shores of the San Leandro Creek and Lake Cabot to the northernmost tip of

SAN FRANCISCO TERRITORY (Concluded)

Lake Chabot; thence northerly in a straight line to the intersection of Grass Valley Road and Skyline Boulevard; thence northwesterly along Skyline Boulevard and its extension Grizzly Peak Boulevard to Golf Course Drive; northerly along Golf Course Drive to Shasta Road; easterly on Shasta Road to Wildcat Canyon Road; easterly along Wildcat Canyon Road to San Pablo Dam Road; northwesterly along San Pablo Dam Road to Road 20; northwesterly on Road 20 to Eastshore Freeway (Interstate 80); northerly on Eastshore Freeway to Hilltop Drive; westerly on Hilltop Drive to San Pablo Avenue; northerly on San Pablo Avenue to Atlas Road; northwesterly on Atlas Road to Rachel Road; northeasterly on Rachel Road to Christine Drive; northwesterly on Christine Drive to its end; thence northerly in a straight line to the shoreline of San Pablo Bay; westerly and southwesterly along the shoreline of San Pablo Bay to the shoreline of San Francisco Bay; southeasterly along the shoreline of San Francisco Bay to Point Richmond; thence southerly along an imaginary line from Point Richmond to the foot of Market Street in the City and County of San Francisco, the point of beginning.

(END OF APPENDIX B)