

ORIGINAL

Decision No. 80146

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CONSOLIDATED FREIGHTWAYS CORPO-)
RATION OF DELAWARE, a corporation,)
to sell, and CF TANK LINES, INC.,)
to purchase, Certificates of Public)
Convenience and Necessity for the)
transportation of petroleum and)
petroleum products, in bulk, and)
specified commodities between)
points and places in the State of)
California, pursuant to Sections)
851-853 of California Public)
Utilities Code.)

Application No. 53038

SUPPLEMENTAL OPINION AND ORDER

Consolidated Freightways Corporation of Delaware previously requested authority to sell and transfer, and CF Tank Lines, Inc. requested authority to purchase and acquire, certificates of public convenience and necessity authorizing the transportation of petroleum and petroleum products, in bulk, and specified commodities between points and places within the State. In addition, the carriers requested this Commission to restate said certificates.

By Decision No. 79524, dated December 21, 1971 in this proceeding, the Commission authorized the sale and transfer of the operative rights and property referred to in the application but did not restate the certificate.

The order which follows will restate the operative rights and will provide for the revocation of the certificates presently held by applicant Consolidated Freightways Corporation of Delaware and the issuance of certificates in appendix form to Consolidated Freightways Corporation of Delaware and CF Tank Lines, Inc. A public hearing is not necessary.

Consolidated Freightways Corporation of Delaware and CF Tank Lines, Inc. are 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Consolidated Freightways Corporation of Delaware authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

2. A certificate of public convenience and necessity is hereby granted to CF Tank Lines, Inc. authorizing it to operate as a highway common carrier and a petroleum irregular route carrier, as defined in Sections 213 and 214 of the Public Utilities Code, between the points set forth in Appendices B and C attached hereto and made a part hereof.

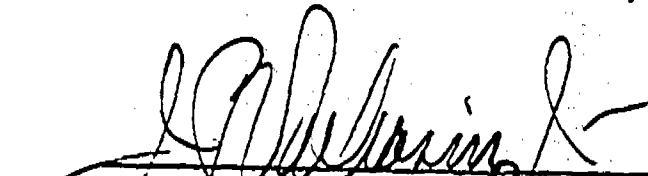
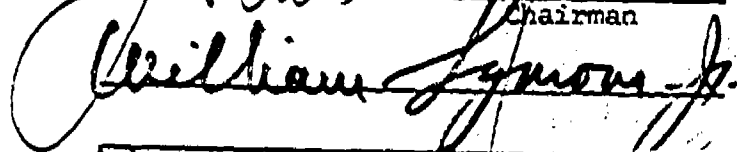
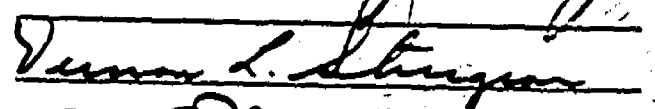

3. The certificates of public convenience and necessity granted in paragraphs 1 and 2 of this order supersede all existing certificates of public convenience and necessity authorizing the transportation of general commodities and petroleum or petroleum products heretofore granted to or acquired by Consolidated Freightways Corporation of Delaware, and presently possessed by it, which certificates, together with all prescriptive rights, are hereby revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by ordering paragraph 3 of Decision No. 79524.

4. The authority revoked by paragraph 3 of this order includes but is not limited to all prescriptive rights and the rights granted by Decision Nos. 45783, 51515, 52469, 55851, 56740, 58545, 59100, 60023, 63349, 66064, 69813 and 76467.

5. In all other respects Ordering Paragraphs 1, 2, 3, 4, 5, 6 and 7 of Decision No. 79524, dated December 21, 1971 in this proceeding are still in effect.

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

Dated at San Francisco, California, this 13th day of June, 1972.


Chairman



Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Consolidated Freightways Corporation of Delaware, a corporation, by the certificate of public convenience and necessity granted by 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, EXCEPT used household goods and personal effects, commodities in bulk, in tank, dump or hopper type vehicles, motor vehicles or trailer coaches in truckaway or towaway service, live-stock, commodities requiring refrigeration or temperature control, commodities requiring mixing in transit, fresh fruits and vegetables, logs, articles of unusual value, Class A explosives as defined by the U.S. Department of Transportation, commodities requiring special equipment, and those injurious or contaminating to other lading, as follows:

1. Between the San Francisco Territory as described below and the Los Angeles Basin Territory as described below over any and all routes.
2. Service over the following routes is authorized to and from all intermediate and off-route points within 10 miles of the below-described routes:
 - a. Between the San Francisco Territory and Santa Rosa:
From San Francisco over U.S. Highway 101 to Santa Rosa and return over the same route.

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b. Between the San Francisco Territory and Sacramento:

From San Francisco over U.S. Highway 50 to Oakland, thence over State Highway 24 to Walnut Creek, thence over State Highway 21 to junction State Highway 4, thence over State Highway 4 to junction State Highway 160 (near Oakley), thence over State Highway 160 (formerly State Highway 24) to Sacramento and return over the same route.

c. Between Castro Valley and junction State Highway 166 with State Highway 99 (formerly U.S. Highway 99):

From Castro Valley over U.S. Highway 59 to junction State Highway 33 (near Tracy), thence over State Highway 33 to Maricopa, thence over State Highway 166 (formerly portion State Highway 33) to junction State Highway 99 (formerly U.S. Highway 99) and return over the same route.

d. Between Stockton and Contra Costa County Road J4:

From Stockton over State Highway 4 to junction Contra Costa County Road J4 (formerly unnamed highway) and return over the same route.

e. Between junction State Highways 33 and 152 (10 miles west of Los Banos) and Gilroy:

From junction State Highways 33 and 152 (10 miles west of Los Banos) over State Highway 152 to Gilroy and return over the same route.

f. Between Gilroy and Salinas:

From Gilroy over U.S. Highway 101 to Salinas and return over the same route.

g. Between Carmel and Santa Cruz:

From Carmel over State Highway 1 to Santa Cruz and return over the same route.

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h. Between Santa Cruz and San Francisco:

From Santa Cruz over State Highway 17 to San Jose, thence over State Highway 82 (formerly U.S. Highway 101) to San Francisco and return over the same route.

3. Between San Francisco Territory and junction San Joaquin County Road J4 (near Tracy), and U.S. Highway 50, serving all intermediate and off-route points within 5 miles of the following route:

From San Francisco over Interstate Highway 30 (formerly U.S. Highway 40) to junction State Highway 4 (near Hercules), thence over State Highway 4 to junction San Joaquin County Road J4 (near Bryon), thence over San Joaquin County Road J4 to junction U.S. Highway 50 and return over the same route.

4. Between San Francisco Territory and Sacramento, serving all intermediate and off-route points within 20 miles of the following route:

From San Francisco over Interstate Highway 30 (formerly U.S. Highway 40) to Sacramento and return over the same route.

5. Between Los Angeles Basin Territory and Sacramento, serving all intermediate and off-route points within 25 miles of the following route:

From Los Angeles Basin Territory over Interstate Highway 5 to junction State Highway 99 (formerly U.S. Highway 99), thence over State Highway 99 to Sacramento and return over the same route.

6. Between Los Angeles Basin Territory and the California-Mexico Border Line, serving all points in the San Diego Territory, as described below and serving all intermediate and off-route points within 10 miles of the following routes:

- a. From Los Angeles Basin Territory over Interstate Highway 5 (formerly U.S. Highway 101) to California-Mexico Border Line and return over the same route;

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- b. From Los Angeles Basin Territory over State Highway 60 (formerly U.S. Highway 60) to Riverside, thence over U.S. Highway 395 to San Diego, thence over Interstate Highway 5 to California-Mexico Border Line and return over the same route.
- 7. Between Los Angeles and Palm Springs, serving all intermediate and off-route points within 10 miles of the following route:

From Los Angeles over State Highway 60 (formerly U.S. Highway 60) to junction State Highway 111 (near White Water), thence over State Highway 111 to Palm Springs and return over the same route.
- 8. Between Los Angeles Territory and other points and places in Los Angeles Basin Territory and locally between other points and places in Los Angeles Basin Territory.
- 9. Between all points and places in the San Francisco-East Bay Cartage Zone, as described below.
- 10. Between Crescent City and California-Oregon State Line via U.S. Highway 101 and intermediate points.
- 11. Between Orange and Los Angeles, serving intermediate and off-route points within 5 miles of the following routes:
 - a. From Orange over Interstate Highway 5 (Santa Ana Freeway) to Los Angeles and return over the same route;
 - b. From Orange over Interstate Highway 5 (Santa Ana Freeway) to junction State Highway 72, thence over State Highway 72 to Los Angeles and return over the same route.
- 12. Between Orange and San Bernardino, serving intermediate and off-route points within 5 miles of the following routes:

From Orange over State Highway 55 (Newport Freeway) to junction State Highway 91 (Riverside Freeway) to junction U.S. Highway 395, thence via U.S. Highway 395 (Riverside Freeway) to San Bernardino and return over the same routes.

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12. Between Orange and Pomona, serving intermediate and off-route points within 5 miles of the following routes:

From Orange over State Highway 55 (Newport Freeway) to junction State Highway 91 (Riverside Freeway), thence over State Highway 91 to junction State Highway 90, thence over State Highway 90 to junction State Highway 57 (Brea Canyon Road), thence over State Highway 57 to Pomona and return over the same routes.

14. Between Orange, Tustin, San Diego and Long Beach, over irregular routes. Service is authorized at all points within 3 miles of San Diego.

15. Between Chester and the California-Nevada State Line near Peavine, including all intermediate points, via State Highway 36 and U. S. Highway 395.

16. Between Bird Flat Schoolhouse (junction U.S. Highway 395 and unnumbered Highway) and Herlong (Sierra Ordnance Depot).

17. To, from and between any and all points situated within a distance of one air mile laterally of the following routes:

a. Between Chester and junction U.S. Highway 395 (Hallelujah Junction), and intermediate points, via State Highway 36 from Chester to junction with State Highway 89, thence via State Highway 89 to junction with State Highway 70, thence over State Highway 70 to junction U.S. Highway 395 and return over the same route.

b. Between Westwood and junction point of Plumas County Highway A-21 and State Highway 89, east of Lake Almanor, via Lassen and Plumas County Sign Route A-21 along the east side of Lake Almanor to junction with State Highway 89 (near Big Meadows Dam).

c. Between Johnstonville and Alturas, and intermediate points, via U.S. Highway 395.

18. Through routes are authorized between any and all authorized service points on routes described. Carrier may use any and all available streets and highways between the points described for operating convenience only.

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SAN FRANCISCO TERRITORY

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 Line meets the Pacific Ocean; thence easterly along said County Line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 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 Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillisdale Avenue; easterly along Hillisdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and Mac Arthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along 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; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including 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

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said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along on imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U. S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along on imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along

Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

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 Michillinda 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 the point of beginning.

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

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Boundary Line intersections 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 and its prolongation to the Los 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.

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately 4 miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U. S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

(END OF APPENDIX A)

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C F Tank Lines, Inc., a corporation, by the certificate of public convenience and necessity granted by 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 petroleum products in bulk, in tank vehicles, except liquefied petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum product requiring insulated tanks, as follows:

Service is authorized at all points and places located on and over the following described routes, with the right to serve all points and places located laterally within a radius of 50 miles of said routes:

1. Between the California-Oregon State Line and the California-Mexico Border Line;
 - a. From the California-Oregon State Line, over U. S. Highway 101 to junction Interstate Highway 5, near Boyle Heights, thence over Interstate Highway 5 to the California-Mexico Border Line, and return over the same routes.
 - b. From the California-Oregon State Line, over Interstate Highway 5 to Sacramento (also over Interstate Highway 5 to Red Bluff, thence over State Highway 99 to Sacramento), thence over U. S. Highway 50 to Stockton, thence over State Highway 99 to Wheeler Ridge, thence over Interstate Highway 5 to the California-Mexico Border Line.
2. Between Redding and Alturas, over State Highway 299.
3. U. S. Highway 395 between the California-Oregon State Line and the California-Nevada State Line, via Alturas and Johnstonville.
4. State Highway 36 between junction State Highway 99 near Red Bluff and junction U. S. Highway 395 at Johnstonville.

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5. State Highway 20 between Marysville and junction Interstate Highway 80.
6. Interstate Highway 80 between San Francisco and California-Nevada State Line.
7. U. S. Highway 50 between Sacramento and California-Nevada State Line.
8. U. S. Highway 395 between California-Nevada State Line at Topaz Lake and junction Interstate Highway 15.
9. Between Los Angeles and Needles over U. S. Highway 66 to Barstow, thence over Interstate Highway 40 to Needles.
10. Between Los Angeles and the California-Arizona State Line over State Highway 60 to Beaumont, thence over Interstate Highway 10.
11. Between Barstow and the California-Nevada State Line over Interstate Highway 15.
12. State Highway 127 between Baker and California-Nevada State Line.
13. Interstate Highway 8 between San Diego and California-Arizona State Line.

RESTRICTION:

Transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

(END OF APPENDIX B)

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CF Tank Lines, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of (a) liquefied petroleum gases and any other petroleum products requiring pressurized tanks and liquid asphalt and hot road oils requiring insulated tanks between all points and places within the State of California, and (b) all other petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California, except the points and places authorized in Appendix B of the decision noted in the margin.

RESTRICTION:

Transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

(END OF APPENDIX C)

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