

Decision No. 81213**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NIELSEN FREIGHT  
 LINES, a California corporation,  
 and YREKA WESTERN RAILROAD  
 COMPANY, a California corporation,  
 to transfer the certificate of  
 public convenience and necessity  
 of Yreka to Nielsen, and for interim  
 relief for Nielsen to lease and  
 temporarily operate Yreka  
 authority.

Application No. 53840  
 (Filed February 13, 1973)

INTERIM OPINION

Pending action by this Commission on the request of applicant Yreka Western Railroad (Yreka) to transfer, and applicant Nielsen Freight Lines (Nielsen) to acquire, those portions of Yreka's operating rights granted by Decision No. 73507 issued December 19, 1967 in Application No. 49403, which are detailed in Exhibit 3, page 3, of the Purchase and Sale Agreement for Motor Carrier Operating Rights appended to this Application No. 53840 as Appendix A, applicants request that the Commission issue an ex parte order authorizing the following:

1. Yreka to lease to Nielsen those same portions of its operating rights which are detailed in Exhibit 3, page 3, of the purchase and sale agreement appended to the application as Appendix A.
2. Nielsen to file for the operation of said operating rights under Western Motor Tariff Bureau Tariffs 107 and 111, which it is presently a party to.

The purchase and sale agreement provides that in the event such temporary lease is authorized pending the issuance of a final order by this Commission, Nielsen shall pay to Yreka the sum of

\$1.00 or such other consideration as the Commission may order. By telegram dated February 2, 1973, the Director of the Section of Finance notified the attorney for Nielsen that on February 1, 1973 the Interstate Commerce Commission had granted Nielsen authority to lease a portion of the interstate rights of Yreka for 180 days ending July 30, 1973 upon the terms in the application, provided on or before March 5, 1973, compliance is made with tariff and insurance requirements, operations are instituted, and the Interstate Commerce Commission is advised in writing of the date operations commenced.

Applicants allege that the portions of Yreka's authority which Nielsen seeks to lease are unprofitable to Yreka due to lack of demand in the area involved, the high cost of serving the sparsely populated, remote areas, and the infrequent service actually performed by Yreka. They also request that the rights be operated immediately by another due to the financial distress of Yreka and lack of personnel.

The Commission finds:

1. The proposed lease will not be adverse to the public interest.
2. A public hearing is not necessary.

The Commission concludes that the proposed lease should be authorized as provided in the interim order which follows.

INTERIM ORDER

IT IS ORDERED that:

1. Nielsen Freight Lines is authorized to lease from Yreka Western Railroad Company the portions of its operating rights which are set forth in Appendix A attached hereto for a period of time commencing on or after the effective date of this order and ending (1) on July 30, 1973, (2) on the effective date of a final order denying this Application No. 53840, or (3) on the effective date of the transfer of said operating rights by Yreka Western Railroad

Company to Nielsen Freight Lines pursuant to subsequent order of this Commission in this proceeding, whichever date first occurs, for the sum of \$1.00, pursuant to paragraph 4.7 of the Purchase and Sale Agreement for Motor Carrier Operating Rights attached to Application No. 53840 as Appendix A.

2. Nielsen Freight Lines shall amend or reissue its tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein. 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 lease 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. 20-Series. Failure to comply with and observe the provisions of General Order No. 20-Series may result in a cancellation of the authority granted by this decision.

3. On or before April 5, 1973, Nielsen Freight Lines shall notify the Commission in writing of its commencement of operations pursuant to the lease authorized in this order. Nielsen Freight Lines is placed on notice that 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.

4. Nielsen Freight Lines 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.

5. Nielsen Freight Lines shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If Nielsen Freight Lines 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 is the date hereof.

Dated at Los Angeles, California, this 27<sup>th</sup> day of MARCH, 1973.

Vernon L. Spencer  
President  
William J. Sprague, Jr.  
William J. Sprague, Jr.  
John W. Sprague  
Commissioners

And  
NIELSON FREIGHT LINES  
(a corporation, Lessee)

Nielsen Freight Lines (lessee), is authorized to lease from Yreka Western Railroad Company (lessor), the highway common carrier authority for the transportation of general commodities as follows:

- I. Between all points and places on and within five miles laterally of the following routes:
  - (a) U.S. Highway 101 between Scotia and Trinidad, inclusive;
  - (b) State Highway 299 between the junction of said highway with U.S. Highway 101 and Burnt Ranch, inclusive;
  - (c) State Highway 96 between Willow Creek and Hoopa, inclusive;
  - (d) Rohnerville Road between Fortuna and Hydesville, inclusive, via Rohnerville;
  - (e) State Highway 36 between Hydesville and Carlotta, 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 accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.

Issued by California Public Utilities Commission.

81213

Decision No. \_\_\_\_\_, Application No. 53840.

And

NIELSON FREIGHT LINES  
(a corporation, Lessee)

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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
9. Commodities requiring special equipment and handling because of unusual size, weight, or shape.
10. Articles of extraordinary value, viz: Bank bills, coin or currency, deeds, drafts, notes or valuable papers of any kind; jewelry, including costume or novelty jewelry; postage stamps or letters and packets of letters with or without postage stamps affixed; precious articles of extraordinary value.
11. Explosives.
12. Commodities injurious or contaminating to other lading.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 81213, Application No. 53840.