

Decision No. 82585

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Progressive Transportation
Company, a California corporation,
for Authority to Transfer Operating
Rights to Bay Area-Los Angeles
Express, Inc., a California
corporation.

Application No. 53235
(Filed March 24, 1972)

Donald Murchison, Attorney at Law, for Bay Area-
Los Angeles Express, Inc., and Knapp, Gill,
Hibbert & Stevens, by Wyman C. Knapp, Attorney
at Law, for Progressive Transportation Company,
applicants.

O P I N I O N

Progressive Transportation Company (Progressive), a California corporation, is a highway common carrier engaged in intra-state commerce under a certificate of public convenience and necessity granted by this Commission in Decision No. 61309 issued January 4, 1961 in Application No. 42603, as modified by Decision No. 63045 issued January 9, 1962 in Application No. 42603 and Decision No. 67968 issued October 6, 1964 in Application No. 46906. Progressive also holds a certificate of registration from the Interstate Commerce Commission in Docket No. MC-71920 (Sub No. 6) which is supported by the highway common carrier authority from the Commission.

Bay Area-Los Angeles Express, Inc. (Balax), a California corporation, operates as a highway contract carrier and as a radial highway common carrier pursuant to permits issued by this Commission in File No. T-95665. By Decision No. 80759 issued November 21, 1972 in Case No. 9275, this Commission ordered Balax to pay a fine of \$2,000 and to cease operating as a highway common carrier until it

shall have obtained a certificate of public convenience and necessity from this Commission authorizing such operations. Balax has paid the fine and has curtailed its operations in compliance with Decision No. 80759.

By this application Progressive proposes to transfer and Balax proposes to acquire the portion of Progressive's certificate of public convenience and necessity which is set forth in Exhibit 5, and pertains to the transportation of general commodities between the San Francisco Territory and the Los Angeles Basin Territory.

Public hearing on the application was held in San Francisco before Examiner Cline on December 13, 1973. The matter was taken under submission at the conclusion of the hearing. No party opposed the granting of the application.

Evidence was received in support of the application. Exhibit 7 is a copy of the agreement of sale which provides that the total purchase price for the operating authority sought to be transferred is \$50,000. The agreement provides that Balax shall make a down payment of \$5,000 upon execution of the agreement and pay an additional \$5,000 toward the purchase price together with an amount ranging between a minimum of \$3,000 and a maximum of \$5,000 to compensate Progressive for its out-of-pocket expenses. The remaining \$40,000 to be evidenced by a promissory note (Appendix D to Exhibit 7) is payable in monthly installments of \$2,500 or more with interest at the rate of $7\frac{1}{2}$ percent per annum. Balax requests this Commission to authorize it to incur this indebtedness.

Exhibit 8 is a balance sheet of Balax as of December 31, 1972, and a statement of income of Balax for the year ended December 31, 1972, Exhibit 9 is a balance sheet of Balax as of October 31, 1973, and Exhibit 10 is a statement of income of Balax

for the month of October, 1973, and the period ended October 31, 1973, Exhibit 13 is a pro forma balance sheet of Balax as of December 31, 1974, and Exhibit 14 is a pro forma statement of income of Balax as of December 31, 1974. Exhibit 15 is an unaudited statement of assets and liabilities of E. A. Hills, Jr., the president of Balax, as of November 30, 1973. Exhibit 16 lists 9 tractors, 4 bobtails, 19 van trailers, 5 converter gear which are used for making sets of doubles, a Ford pickup, and a Hyster lift truck, all of which equipment are presently being operated by Balax. Approximately 15 to 20 percent additional traffic could be handled by Balax using this equipment.

Exhibits 17, 18, and 20 are profit and loss statements of Progressive for the months of December 1971, December 1972, and October 1973, respectively, and the period to date ending with such months. Exhibit 19 is a balance sheet of Progressive as of October 31, 1973.

Exhibit 21 is a letter from Wolf and Company dated December 12, 1973 stating that the fair value of the assets of Mr. Edgar A. Hills is not less than \$1,000,000, a major portion of which is represented by cash and marketable securities. Mr. Edgar A. Hills, who is the father of the president of Balax, stated that he would provide funds in the form of a loan to Balax if such funds were needed by Balax in its operations.

The evidence shows that the transfer proposed will be in the public interest for the following reasons:

1. Progressive now proposes to confine its activities to the transportation of the special commodities listed in Paragraph A of Appendix A to Decision No. 61309, Exhibit 2, in this proceeding.

2. Balax is an experienced and reliable motor carrier which has served members of the general public within the area encompassed by the authority sought to be transferred for some three years pursuant to its contract carrier permit issued by the Commission. The proposed transfer will certificate Balax's future operations and allow it to furnish highway common carrier service to the members of the shipping public situated in the geographical area encompassed by the operating authorities proposed to be transferred from Progressive to Balax.

3. There will be no transportation service interruption as a result of the transfer and there will be no duplication of authority to any carrier, directly or indirectly involved.

4. Balax has the necessary experience, resources, and equipment to conduct the operations under the authority proposed to be transferred.

5. The shipping public will not be adversely affected by the proposed transfer.

6. No adverse competitive effect upon the existing motor carriers will result from the approval of the proposed transfer.

The Commission finds that:

1. The application shows with reasonable certainty that the proposed transfer involved in this proceeding will not have a significant effect on the environment.

2. The proposed transfer will not be adverse to the public interest.

3. The proposed security issue is for proper purpose.

4. The money, property, or labor to be procured or paid for by the issue of the security authorized by this decision is reasonably required for the purposes specified, which purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

The Commission concludes that:

1. The proposed transfer by Progressive to Balax of the operating authority described in the application should be authorized.
2. The proposed issue by Balax of a promissory note to Progressive in an amount not to exceed \$40,000 should be authorized.

Applicants are 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.

The authorization granted shall not be construed as a finding of the value of the rights authorized to be transferred.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Progressive and the issuance of certificates in appendix form to Progressive and Balax. The certificates will be restated but such restatement will not change or broaden the authority.

O R D E R

IT IS ORDERED that:

1. On or before July 31, 1974, Progressive Transportation Company, a California corporation, may sell and transfer the operative rights referred to in the application to Bay Area-Los Angeles Express, Inc., a California corporation.

2. Within thirty days after the transfer the purchaser shall file with the Commission a true copy of the bill of sale or other instrument of transfer.

3. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations authorized to show that they have adopted or established, as their own, the 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 transfer. 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-Series. Failure to comply with the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, certificates of public convenience and necessity are granted to Progressive Transportation Company and to Bay Area-Los Angeles Express, Inc., authorizing them to operate as highway common carriers, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendices A and B, respectively, attached hereto and made a part hereof.

5. The certificates of public convenience and necessity granted in paragraph 4 of this order shall supersede the certificates of public convenience and necessity granted by Decisions Nos. 61309, 63045, and 67968, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

6. Within thirty days after the transfer herein authorized is consummated, applicants shall file written acceptances of the certificates herein granted. Applicants are placed on notice, that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and insurance requirements of the Commission's General Order No. 100-Series.

7. Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission from time to time, shall prescribe.

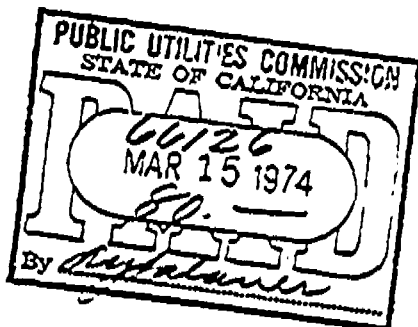
8. Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

9. On or before July 31, 1974, Bay Area-Los Angeles Express, Inc., may issue its promissory note for a total sum not to exceed \$40,000, in accordance with the provisions of the agreement of sale dated February 28, 1972, Exhibit 7 herein.

10. The issuer of the securities authorized by this order shall file with the Commission a report, or reports, as required by General Order No. 24-Series.

The authority granted by this order to issue the promissory note will become effective when the issuer has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$80. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of MARCH, 1974.



Vernon L. Stenger
President
William L. Quinn
Richard J. ...
Thomas Moran
Commissioners

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

Progressive Transportation Company, 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 the commodities specified, between all points and places within the areas designated:

1. Beer; pallets, platforms or skids, for lift trucks; empty beer bottles, returning; and carriers, returning.

Between Azusa, on the one hand, and, on the other hand, all points in the Los Angeles Territory as described in Note A, Santa Ana, Oceanside, San Diego, Santa Barbara, Bakersfield, San Bernardino, and El Centro.

2. Oranges, fresh (not cold pack or frozen).

Between Glendora, Azusa and Puente, on the one hand, and Long Beach, Wilmington and Terminal Island, on the other hand.

3. Terne Plate or tin plate, iron or steel; pipe, iron or steel; strip steel, in coils; and chain, iron or steel, in coils.

Between Fontana, on the one hand, and Los Angeles, South Gate, Terminal Island and Wilmington, on the other hand.

4. (a) IRON OR STEEL, (Subject to a minimum weight of 15,000 pounds; where the term NOIBN appears, reference is made to Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof and Supplements 9, 11, 13, 15 and 18 thereto), viz.:

Anchors, mast, pole or smokestack (guy anchors), or building;

Angles, noibn;

Annealing boxes or pots, or annealing box or pot bottoms, burnt out;

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4. (a) IRON OR STEEL, Continued:

Annealing boxes or pots, or annealing box or pot bottoms, noibn;
Annealing pots, foundry, cast;
Arches, floor (used either for permanent installations or as forms for concrete construction);
Area or sidewalk grating;
Band or hoop;
Bands, shingle;
Bands or rods, structural, weighing each 15 pounds or over, with heads, eyes, loops or screw threads, noibn;
Bar chairs, spacers or ties, concrete or plaster reinforcement;
Barrel or drum or tank bottoms, heads or tops;
Bars, grate, cast;
Bars, muck or puddle;
Bars, noibn;
Bars, sheet or tin plate;
Bars or rods, noibn, brass, bronze, cadmium or copper coated;
Bases, structural;
Beams, noibn, with or without accompanying anchors, anchor plates, bridging, clamps, clips, hangers or screed chairs not exceeding 10% of weight upon which charges are assessed;
Billets, copper clad, not less than 1-1/2 inches square and weighing not less than 100 pounds each, such as are used for the manufacture of copper clad bars, rods, or wire;
Billets, other than copper clad, or blooms or ingots;
Blanks, stampings or unfinished shapes, noibn, from plate, sheet or strip iron or steel, in the rough;
Bolts or nuts, noibn, or lag bolts (lag screws), plain, galvanized, japanned, painted or tinned, or coated with brass, bronze, cadmium, copper, lead or zinc;
Bolts or nuts, noibn, chromium, nickel plated, not buffed nor polished;
Borings, filings, grindings, or turnings, not granulated, ground nor powdered;
Box straps or strapping;
Braces, bracing, brackets or forms, noibn, structural, fabricated from material 3/16 inch or thicker;

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4. (a) IRON OR STEEL, Continued:

Briquettes, noibn;
Buckles, baling tie, noibn.
Buckles, cotton baling tie;
Cable, rope or guy wire chain, clamps, clips, coupling links, hooks, shackles, sleeve nuts, sockets, thimbles or turnbuckles;
Caps or capitals, structural;
Carbon electrode baking pots (saggers), with or without covers or bails;
Carbonizing boxes or pots;
Castings, noibn, or forgings, noibn, not including products of plate or sheet, iron or steel; in the rough; coated, joined together or tooled;
Cathodes, with or without copper hooks;
Channels, noibn;
Clips, concrete or plaster reinforcement;
Columns, noibn, other than sheet;
Columns, spiral, noibn, or column hoops, concrete or plaster reinforcement;
Columns, spiral, cement or plaster reinforcement, noibn, iron; column hoops; wire mesh or bar mesh; mixed carload, or in mixed carload, with bars, noibn, iron; floor arches, iron; joist hangers or stirrups, iron; lathing or ribbing, iron; or wall grounds (plaster grounds), iron;
Columns, structural, filled with concrete;
Concrete piling reinforcement, not exceeding 15 inches outside diameter, constructed of spacer or vertical bars not less than 1 inch in thickness, welded to spiral or hoops not less than 7/16 inch in thickness;
Dogs, chain, raft or ring;
Dowels or dowel pins, bolt, screw or wire nail type;
Dowels or dowel pins, noibn;
Drippings, spittings or spillings;
Fence gates, iron or steel or iron or steel and wire combined;
Fence post fixtures, wire fence, consisting of brace collars, brace rods, face plates, spreaders, tops, caps, clamps, clips and extension arms, or wire fence stays;

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4. (a) IRON OR STEEL, Continued:

Fence posts, clothes posts or sign posts, with or without equipment of steel fittings or tubular fence post drivers;
Fence posts, with equipment of insulators and clips;
Fencing, in panels;
Fencing, wire and iron or steel combined
Fencing, wire, welded or woven, or poultry netting, galvanized or plain;
Floor plates;
Flue dust;
Flumes;
Foot walks, structural;
Furnace salamanders or ladle skulls;
Furring or studding, including iron or steel fittings necessary for installation;
Galvanizing or tinning pans or pots;
Girders, noibn, lattice;
Girders, noibn, other than lattice;
Guard rails, highway, steel or woven steel wire;
Guards, manhole, folded flat;
Hangers, pipe, noibn;
Hangers or stirrups, joist;
Hoops, noibn, iron or steel or iron or steel wire;
Inserts, structural;
Landing mats, or runways, airfield;
Lathing or ribbing, concrete or plaster reinforcement, wire;
Lathing or ribbing, noibn;
Lintels;
Machine bed plates, housings or frames made from welded forged plates, in the rough and requiring further machine work to make complete machine part;
Manhole covers or frames, street, catch basins, catch basin covers or sewer inlets, iron;
Mesh, bar or wire, concrete or plaster reinforcement;
Mill cinder or mill scale;
Molds, ingot, ingot mold stools or bottom plates (sprue plates);
Molds, pig iron;
Nails, crate fastener;
Nails, horse shoe;
Nails or spikes, noibn, plain, galvanized, japanned or tinned, or coated with brass, bronze, cadmium, cement or copper, or with lead covered or lead rimmed heads;

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4. (a) IRON OR STEEL, Continued:

Nitre pots, cast iron;
Nut locks, noibn;
Paving joints, roadway, with or without steel pins;
Pebbles, grinding or polishing (pebble castings, bar cuttings or punchings, suitable for grinding or polishing mills);
Pig;
Pile shoes;
Piling;
Pins, bridge or drift;
Pipe balls, pipe manufacturers';
Pipe billet tubing, (rough pipe for seamless tube manufacture);
Plate, armor or deck;
Plate, nail or tack;
Plate, sheet or strip, brass, bronze, copper, chromium or nickel coated by electrolytic or hot dipped process, or copper clad;
Plate or sheet, asbestos and asphalt coated;
Plate or sheet, nickel-clad;
Plate or sheet, noibn, crystallized, decorated, embossed, enameled, japanned, marbled or nickel plated;
Plate or sheet, noibn, galvanized, painted or plain, corrugated or not corrugated;
Plate or sheet, noibn, lacquered, lithographed, painted or printed;
Plate or sheet, noibn, perforated;
Plate or sheet, noibn, pitch coated;
Plate or sheet, noibn, planished, hammered-polished or Russia;
Plate, silver-clad;
Plates (tables), pipe bending, cast iron, flat;
Plates, structural, noibn;
Plates or cleats, steel strap anchoring;
Poles, electric wire, iron or steel, noibn;
Poles, electric wire, iron or steel, plate or sheet or plate or sheet and cast combined;
Posts, noibn, iron;
Posts, structural;
Props (supports), mine;
Rails, noibn;

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4. (a) IRON OR STEEL, Continued:

Retaining wall spacers, stringers or stringer stiffeners.
Rings, rolled steel, noibn;
Rivets, plain, galvanized, japanned, painted or tinned,
or coated with brass, bronze, cadmium, copper, lead or
zinc;
Rivets, nickel plated, not buffed nor polished;
Rods, guy anchor;
Roofing, steel, lead coated, tin or terne;
Roofing, steel, noibn;
Scrap, noibn, copper clad;
Scrap, noibn, not copper clad;
Scrap, tin plate or terne plate (scrap tin plate or scrap
terne plate or old worn-out articles made of tin plate
or terne plate having value for detinning, deleading,
remelting or shredding purposes only);
Screed chairs, concrete or plaster reinforcement;
Screws, noibn, chromium, nickel plated, not buffed nor
polished;
Screws, noibn, plain, galvanized, japanned, painted or
tinned, or coated with brass, bronze, cadmium, copper,
lead or zinc;
Separators, structural;
Sheet, aluminum coated;
Sheet, lead coated;
Sheets, photographically sensitized;
Sheets, reinforced with expanded steel;
Shingles, iron or steel;
Shoes, horse, mule or ox;
Shoes or struts, structural;
Sign bases, with or without threaded holes, but not other-
wise tooled or machined;
Sills, noibn;
Skelp;
Slabs, in the rough;
Spiegel-eisen (spiegel iron);
Staples, noibn, brass, bronze, cadmium or copper coated,
or japanned or tinned;
Staples, noibn;
Staples, ingot mold;
Stirrups concrete or plaster reinforcement;
Strip steel, noibn;

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4. (a) IRON OR STEEL, Continued:

Studding sockets;
Sucker rods or pull rods;
Tees or zees, noibn;
Terne plate or tin plate, plain or lacquered or painted;
Terne plate or tin plate, noibn;
Terne plate or tin plate, embossed or perforated;
Terne plate or tin plate, lithographed or printed;
Tie chairs or bar chairs and spacers combined, concrete or
plaster reinforcement;
Ties, baling or binding, band or wire, noibn;
Ties, cotton baling;
Ties, wall (wall bonds);
Toe calks, iron;
Trusses;
Tunnel segments, cast;
Turnbuckles or sleeve nuts, noibn, threaded, not insulated;
Tuyeres;
Washers or gaskets, plain, galvanized, japanned, painted or
tinned, or coated with brass, bronze, cadmium, copper,
lead or zinc;
Washers, nickel plated, not buffed nor polished;
Weights counterbalance, noibn, not machined;
Weights, pipeline, river anchor (river clamps);
Weights, sash;
Wheel guards, for protecting corners of buildings;
Wire, acid coppered, galvanized, painted, plain or tinned,
including barbed wire or aluminum, brass, bronze,
cadmium or copper coated, noibn;
Wire rods, rolled, or chain iron or steel, rolled, not
drawn through a die, not in straight lengths, not
less than No. 8 gauge nor over 1-1/4 inches in diameter
Wire rope or strand, with equipment of iron or steel chain,
clamps, clips, hooks, sockets, shackles, thimbles,
turnbuckles or coupling links attached or without
equipment;

Iron grit or iron sand; iron borings, ground, not powdered,
or chilled shot, iron or steel, not ammunition;
Iron powdered, noibn;

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4. (a) IRON OR STEEL, Concluded:

Cable, electric, brass, bronze or copper, steel armored,
lead covered or armored lead covered;

Cable clamps or joints, noibn;

Cable racks, steel, noibn;

Cable racks or hooks, nickel-copper, underground;

Cable racks or cable rack hooks, underground, iron or steel;

Cable terminals or steel cable terminal boxes or housings,
with or without interior fittings, or parts thereof,
noibn.

(b) Construction, road building, and paving equipment,
materials and supplies used or which may be used in
the construction, erection, maintenance, repair or
dismantling of bridges, roads or highways, power, or
communication transmission lines or production projects,
sewer or sewerage disposal projects, aqueducts, pipelines,
oil refining or processing plants, mines, iron or steel
mills or processing plants, military or demolition projects,
fabricated steel or metal building and other structures.

(c) Empty pallets or empty containers returning or to be
returned.

Between any and all points on or within 20 miles laterally of
the following named highways:

(a) U. S. Highway 101 between San Francisco and Los Angeles,
and Interstate Highway 5 between Los Angeles and the
International Border with Mexico, inclusive.

(b) State Highway 82 between San Francisco and San Jose,
inclusive.

(c) State Highway 1 between Montalvo and Capistrano Beach,
inclusive.

(d) Interstate Highway 5 between the Oregon-California
State Line and Sacramento, inclusive, and between
Wheeler Ridge and Los Angeles, inclusive.

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- (e) State Highway 99 between Red Bluff and Wheeler Ridge, inclusive.
- (f) State Highway 65 between Roseville and Marysville, inclusive.
- (g) State Highway 60 between Los Angeles and Beaumont, inclusive; Interstate Highway 10 between Beaumont and Indio, inclusive; and State Highway 86 between Indio and the International Boundary with Mexico, inclusive.
- (h) Interstate Highway 80 between San Francisco and the California-Nevada State Line, inclusive.
- (i) U. S. Highway 395 between the California-Nevada State Line, near Topaz Lake and its junction with Interstate Highway 15 near Hesperia, inclusive; and Interstate Highway 15 between its junction with U. S. Highway 395 and San Bernardino, inclusive.
- (j) State Highway 11 between Los Angeles and its junction with the Colorado Freeway; the Colorado Freeway between its junction with State Highway 11 and its intersection with Foothill Boulevard; Foothill Boulevard (U. S. Highway 66) between its intersection with the Colorado Freeway and San Bernardino, inclusive; Interstate Highway 15 between San Bernardino and Barstow; and Interstate Highway 40 (U. S. Highway 66) between Barstow and Needles, via Amboy and Essex.
- (k) State Highway 60 between Los Angeles and Beaumont; and Interstate Highway 10 between Beaumont and the California-Arizona State Line, inclusive.
- (l) Interstate Highway 15 between Barstow and the California-Nevada State Line, inclusive.

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5. RESTRICTIONS.

The authority granted herein is restricted against the transportation of:

A. Steel pipe;

From Azusa and points within five miles of Azusa, to Los Angeles Harbor and Long Beach Harbor.

B. Steel,

From Los Angeles Harbor and Long Beach Harbor, to points within five miles of the intersection of Foothill Boulevard and Azusa Avenue, Azusa.

C. Machinery, equipment, materials, and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of all kinds of pipelines, including the stringing and picking up thereof;

Between points south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

D. Iron and Steel articles, and materials and supplies, used in the manufacture of iron and steel articles, equipment, materials and supplies, used in oil and water well drilling and in bridge construction, foundry materials and supplies, machinery and machinery parts, copper and bronze wire, lead-covered copper wire and cable, and petroleum products, in containers;

Between points and places within 40 miles of Compton, including Compton.

E. Heavy construction materials and supplies, such as structural steel, pipe, lumber, poles, and piling, used in the construction of bridges, piers, derricks, steel frame buildings, railroads, dams, and power transmission lines and communication systems;

From Long Beach, Los Angeles Harbor, and Los Angeles, to points and places within 125 miles of Long Beach.

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6. Mechanical duplications and overlaps which occur in describing the operating authority granted herein shall not be construed as conferring more than one operating right to transport the same commodities between the same points.

Note A

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 Michilinda 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 point of beginning.

(END OF APPENDIX A)

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Bay Area - Los Angeles Express, 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:

Between all points and places in the Los Angeles Basin Territory as described in Note A, on the one hand, and all points and places in the San Francisco Territory as described in Note B, on the other hand.

Restriction:

No service is authorized to, from or between intermediate points, nor is local service within the Los Angeles Basin Territory or the San Francisco Territory authorized.

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.
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.

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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 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 the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
10. Commodities described in Appendix A, paragraph 4 of this same decision.

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

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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.

Note B

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 one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero

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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 two 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 Hillsdale Avenue; easterly along Hillsdale 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 MacArthur 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 said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX B)

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