

**ORIGINAL**

Decision No. 82694

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of YELLOW FREIGHT  
SYSTEM, INC., an Indiana corpora-  
tion, and SHANE TRUCK LINE, INC.,  
a California corporation, to trans-  
fer the certificate of public  
convenience and necessity of Shane  
to Yellow, and for interim relief  
for Yellow to lease and temporarily  
operate Shane authority.

Application No. 54719  
(Filed March 11, 1974)

O P I N I O N

Shane Truck Line, Inc. requests authority to sell and transfer, and Yellow Freight System, Inc., an Indiana corporation authorized to do business in California, requests authority to purchase and acquire, a certificate authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 79695 dated February 8, 1972, as amended by Decision No. 81233 dated April 3, 1973 in Application No. 53054, and authorizes the transportation of general commodities, with certain exceptions, between all points within the counties of Butte, Contra Costa, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Yolo, and Yuba and between said points, on the one hand, and points in the San Francisco Territory, on the other hand. The proposed sale also provides for the sale and transfer of corresponding interstate authority. The agreed consideration is \$275,000 payable as follows: \$79,750 in cash and the balance of \$195,250 payable in three annual installments commencing January 2, 1975, with interest at the rate of 7 percent per annum on the unpaid balance.

Applicant purchaser is presently operating as a highway common carrier for the transportation of commodities between various points within the State pursuant to Decision No. 81573 dated July 3, 1973 in Application No. 53774. As of March 31, 1973 it indicated a net worth in the amount of \$76,211,663.

It is alleged that applicant seller has experienced serious financial distress and that its principal operating officer has been unable to participate in the management of the company because of poor health.

On December 12, 1973, the Interstate Commerce Commission authorized applicant purchaser to conduct temporary operations under the interstate authority, and pursuant to Section 5 of the Interstate Commerce Act, the Interstate Commerce Commission by its order dated March 11, 1974 authorized the transfer of the operating authority as proposed, subject to an order of approval by this Commission.

After consideration the Commission finds that the proposed transfer of the operating authority herein considered would not be adverse to the public interest. A public hearing is not necessary. The Commission further finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

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 certificates presently held by applicant seller and applicant purchaser and the issuance of an in lieu certificate to Yellow Freight System, Inc. The new certificate will not broaden or change the interstate or foreign commerce rights held by the carrier except to provide for the rights acquired by the proposed transfer.

Yellow Freight System, Inc. is 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.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1974, Shane Truck Line, Inc. may sell and transfer the operative rights referred to in the application to Yellow Freight System, Inc.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its 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. On or before the end of the third month after the transfer, the 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 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Yellow Freight System, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

6. The certificates of public convenience and necessity granted by Decision No. 79695, as amended by Decision No. 81233, and Decision No. 81573 are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

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 is the date hereof.

Dated at San Francisco, California, this 2nd  
day of 1 APRIL, 1974.

William L. Sturgeon  
President  
William L. Sturgeon  
William L. Sturgeon  
William L. Sturgeon  
Commissioners

Yellow Freight System, Inc., 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 as follows:

I. For the transportation of general commodities, subject to the restrictions and exceptions specifically noted:

1. BETWEEN the San Francisco Territory, as defined in Note A, and Los Angeles Territory, as defined in Note B, over any and all routes:

Subject to exceptions 1, 3, 7, 9, 12, 13, 14 and 15.

RESTRICTION: Carrier shall not, without the approval of this Commission, operate as an underlying carrier for an express corporation or transport property for a freight forwarder, nor shall said carrier publish joint rates with an express corporation or freight forwarder.

Consolidation of this operating right with other operating rights is prohibited unless and until the Commission orders otherwise.

2. BETWEEN San Francisco Territory, as defined in Note A, on the one hand, and, on the other hand:
  - (a) Points and places on U.S. Highway 66 between Los Angeles and San Bernardino, including San Bernardino;
  - (b) Points and places on State Highway 60 and Interstate Highway 10, between Los Angeles and Redlands, including Redlands;

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

- (c) Points and places on State Highway 60, between Los Angeles and Riverside, including Riverside;
- (d) Points and places on State Highway 1 and Interstate Highway 5, between Los Angeles and Santa Ana, including Santa Ana;
- (e) Points and places on State Highway 91 and Interstate Highway 15 (U.S. Highway 395), between Los Angeles and Colton, including Colton;

Including service to and from points laterally within three miles of routes (a) through (e), inclusive; and

Subject to exceptions 1, 3, 7, 9, 12, 13, 14 and 15.

- 3. BETWEEN Los Angeles on the one hand, and San Diego on the other hand. Such authority does not include the right to render service to, from or between intermediate points;

Subject to exceptions 1, 2, 3, 4, 5, 6 and 12.

- 4. BETWEEN Los Angeles, San Bernardino, Redlands, Colton, Highland, Rialto and Fontana, on the one hand, and Victorville, George Air Force Base, Apple Valley, Lucerne Valley, Adelanto, Hesperia, Barstow, Camp Irwin, Daggett, Yermo and Hinkley, on the other hand.

Such authority does not include the right to render service from, to or between intermediate points;

Subject to exceptions 1, 2, 3, 4, 5, 6, 10, 11 and 12.

- 5. BETWEEN all points and places within that portion of the Los Angeles Basin Territory as described in Note C;

Subject to exceptions 1, 2, 3, 4, 5, 6, 11 and 12.

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

6. BETWEEN all points and places in the territory composed of the following portions of counties:
- (a) Tulare County, west of the western boundaries of the Sierra National Forest, the Sequoia National Park and the Sequoia National Forest;
  - (b) Madera County, south and west of the southern and western boundaries of the Sierra National Forest;
  - (c) Kings County, north and east of State Highway 33; and
  - (d) Fresno County, north and east of State Highway 33 and south and west of the southern and western boundaries of the Sierra National Forest;

Subject to exceptions 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14 and 15.

7. BETWEEN all points on and within three miles of the following routes:
- (a) Between Richmond and San Jose and all points intermediate and between intermediate points via Interstate Highway 80 and State Highways 17 and 238, and including the off-route point of Newark.
  - (b) Between Richmond and San Jose and all points intermediate and between intermediate points via Interstate Highway 80, San Francisco-Oakland Bay Bridge, U.S. Highway 101 and State Highway 82, including Los Altos.
  - (c) Between San Jose and Salinas and all points intermediate and between intermediate points via U.S. Highway 101.
  - (d) Between Gilroy and Hollister and all points intermediate and between intermediate points via State Highway 25.

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.



- (e) Between Hollister and the junction of U.S. Highway 101 and State Highway 156 via State Highway 156.
- (f) Between San Jose and Santa Cruz and all points intermediate and between intermediate points via State Highway 17.
- (g) Between Santa Cruz and Carmel and all points intermediate and between intermediate points via State Highway 1 and including the off-route points of Soquel, Aptos, Freedom, Capitola, Moss Landing, Seaside and Pacific Grove.
- (h) Between Sunnyvale and Santa Cruz and all points intermediate thereto and between intermediate points via Mathilda Avenue, Saratoga-Sunnyvale Road, State Highways 85 and 9.
- (i) Between Saratoga and Los Gatos via State Highway 9.
- (j) Between Santa Clara and Campbell.
- (k) San Francisco and San Jose and intermediate points via U.S. Highway 101 and State Highway 82.
- (l) San Francisco, on the one hand, and Los Gatos, Los Altos, Campbell, Cupertino, Watsonville, Seaside, Monterey and Santa Cruz, on the other hand.

Subject to exceptions 1, 2, 3, 4, 5, 6, 8, 11 and 12.

8. BETWEEN:

- (a) All points and places in the Counties of Butte, Contra Costa, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Yolo and Yuba.

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

- (b) Points in the San Francisco Territory as described in Note A, on the one hand, and all points and places in the counties described in subparagraph (a) above, on the other hand.
- (c) Carrier may use any and all highways and roads between the areas described, for operating convenience only.
- (d) No local service is authorized between points located in the San Francisco Territory.

Subject to exceptions 1, 2 (see Note), 3, 6, 8, 11, 16 and 17.

NOTE: This exception does not apply when the vehicle is crated, or tendered as part of a mix shipment with other commodities, provided said crated vehicle or vehicle tendered as a part of a mixed shipment is not transported in special truckaway equipment.

II. For the transportation of Class A and B explosives over irregular routes and between the points described as follows:

- 1. BETWEEN points in the San Francisco Territory, as defined in Note A, and Sacramento, including points within 20 miles of Sacramento:
  - (a) Points on and within 20 miles of Interstate Highway 80 between Richmond and Sacramento;
  - (b) Points on and within 20 miles of Interstate Highways 580, 205 and 5 between Hayward and Stockton;
  - (c) Points on and within 20 miles of State Highway 24, Interstate Highway 680 and State Highways 4 and 160 between Oakland and Sacramento; and

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

2. BETWEEN the Los Angeles Basin Territory, as defined in Note D, and Sacramento, including points within 20 miles of Sacramento, via Interstate Highway 5 between San Fernando and Wheeler Ridge and State Highway 99 between Wheeler Ridge and Sacramento, including points within 20 miles laterally of said highways, except between points in the San Francisco Territory, as defined in Note A, and points in the Los Angeles Basin Territory.

III. To the extent that any of the authority herein, is duplicated, it shall not be construed as conferring more than one operating right.

EXCEPTIONS: Where specifically noted, and 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.
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.

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

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. Commodities in bulk.
8. Logs.
9. Articles of extraordinary value.
10. Fruits or vegetables, fresh or green.
11. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
12. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
13. Commodities which by reason of their abnormal size, weight or bulk require special equipment and handling.
14. Commodities injurious to, or contaminating to, other lading.
15. Explosives.
16. Fresh or green fruits or vegetables (not cold pack nor frozen) when:
  - a. The point of destination is a cannery, accumulation station, cold storage plant, precooling plant, or winery.
  - b. Transported from the field or point of growth to a packing plant, or packing shed. (See exception)

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

EXCEPTION: Except for the transportation of citrus fruits in field boxes or in bulk, or avocados, the provisions of paragraph 5 will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.

c. For the transportation of sugar beets, the point of destination is a beet sugar factory or a railroad loading dump.

17. Asphalt, natural by-product or petroleum; asphalt emulsion; and, petroleum or petroleum products when transported in bulk in tank trucks and/or tank trailers.

#### TERRITORIAL DESCRIPTIONS

##### NOTE A

##### 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 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

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

to White Road; northwesterly along White Road to McKee Road; southwesterly 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.

## NOTE B

## 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

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

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.

## NOTE C

## PORTION OF LOS ANGELES BASIN TERRITORY

The portion of the Los Angeles Basin Territory referred to in Part I, paragraph 5, preceding, 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; 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 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 Redlands Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to and including the City of Redlands; westerly along Interstate Highway 10 to Interstate Highway 15 (U.S. Highway 395); southerly along Interstate Highway 15 to State Highway 91; westerly along State Highway 91 to State Highway 55; southerly on State Highway 55 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.

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.

## NOTE D

## 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 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.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 82694, Application No. 54719.