

Decision No. 83371**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
IML FREIGHT, INC., a corporation, for  
an in lieu certificate of public  
convenience and necessity and for  
modification of certain presently  
held certificates of public  
convenience and necessity.

Application No. 54961  
(Filed June 12, 1974)

O P I N I O N

IML Freight, Inc., a Utah Corporation, qualified to transact business in this State, presently providing service as a highway common carrier, requests that its certificated authority be restated in the form of a new certificate.

Applicant is presently authorized to transport general commodities, with certain exceptions, between an area from Sacramento, on the north, and Tulare, on the south, and also between points within the Los Angeles Basin Territory.

With the exception of its Los Angeles Basin Territory certificate, which was purchased by applicant from Marr Freight Transit, Inc., all of the certificates now held by applicant were purchased by Interstate Motor Lines, Inc. from Highway Transport, Inc. These certificates were subsequently amended changing the corporate name from Interstate Motor Lines, Inc. to IML Freight, Inc.

Applicant does not seek any appreciable extension of service except to remove certain antiquated commodity and point restrictions that serve no purpose at the present time and merely complicate and confuse applicant's overall authority. Some restrictions were eliminated by subsequent decisions eliminating or amending said restrictions and others were made meaningless by the acquisition of additional certificates by way of purchase.

Applicant presently owns and operates 4,200 vehicles and as of March 30, 1974 indicated a net worth in the amount of \$27,190,447.

Copies of the application were served upon the California Trucking Association at its offices in Burlingame and Los Angeles. No protest has been received.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Applicant 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. A certificate of public convenience and necessity is granted to IML Freight, 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.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend or reissue tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) Applicant 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.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all highway common

carrier certificated authority presently held by applicant, which authority is revoked concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 27<sup>th</sup>  
day of AUGUST, 1974.

Vermon L. Sturgeon  
President  
William Symons Jr.

[Signature]  
[Signature]  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

IML FREIGHT, 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 as follows:

1. Between all points and places located in the following territories, but not between territories: ✓
  - a. The San Francisco Territory as described in Note A.
  - b. The Los Angeles Basin Territory as described in Note B.
2. From, to and between all points and places on the following named highways also serving the named off-route points:
  - a. State Highway 120 between its junction with Interstate Highway 5 (Mossdale Wye) and its junction with State Highway 99 east of Manteca; State Highway 99 between its junction with State Highway 120 and Tulare; inclusive, serving the off-route points of Visalia and Hanford.
  - b. Interstate Highway 580 between the San Francisco Territory and its junction with Interstate Highway 205 near the Alameda-San Joaquin County Line; Interstate Highway 205 between its junction with Interstate Highway 580 and its junction with Interstate Highway 5 northeast of Banta; Interstate Highway 5 between its junction with Interstate Highway 205 and Stockton; inclusive, serving the off-route point of Lathrop.
  - c. State Highway 152 between Watsonville and its junction with State Highway 99 near Califa, inclusive.

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- d. State Highway 17 between the San Francisco Territory and Santa Cruz, inclusive, serving the off-route points of Los Gatos and Saratoga.
- e. Interstate Highway 680 between the San Francisco Territory and its junction with State Highway 84 at Scotts Corner; State Highway 84 between its junction with Interstate Highway 680 and Livermore; inclusive.
- f. U.S. Highway 101 between its junction with Atherton Avenue north of Novato and the San Francisco Territory, inclusive; and between the San Francisco Territory and Soledad; inclusive.
- g. Atherton Avenue between its junction with U.S. Highway 101 north of Novato and its junction with State Highway 37 east of Novato; State Highway 37 between its junction with Atherton Avenue and its junction with Interstate Highway 80 northeast of Vallejo.
- h. State Highway 121 between its junction with State Highway 37 near Sears Point and Napa, inclusive.
- i. State Highway 29 between Napa and Vallejo, inclusive, serving the off-route point of Napa State Hospital.
- j. State Highway 17 between its junction with U.S. Highway 101 near San Rafael and Richmond, inclusive, serving the off-route point of San Quentin.
- k. Any and all streets and highways directly connecting the points of Mill Valley, Corte Madera, Larkspur, Kentfield, Ross, San Anselmo, Fairfax, Sausalito, Belvedere, Tiburon, McNears Beach, China Camp and Santa Venetia.

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- l. State Highway 9 between Boulder Creek and Santa Cruz, inclusive, serving the off-route point of Mt. Herman, and as an alternate route Graham Hill Road between Felton and Santa Cruz, inclusive.
- m. State Highway 1 between Santa Cruz and its junction with Carmel Valley Road near Carmel, inclusive, with departures therefrom as are necessary to serve Capitola, Sea Cliff State Beach, Rio Del Mar, Pacific Grove and Carmel.
- n. County Road G-16 (Carmel Valley Road) between its junction with State Highway 1 near Carmel and Carmel Valley Village, inclusive; County Road G-20 (Laureles Grade) between its intersection with State Highway 68 and its intersection with County Road G-16, inclusive.
- o. State Highway 68 between Monterey and Salinas, inclusive, serving Fort Ord and Spreckels as off-route points.
- p. County Road G-17 (Reservation Road) between Marina and its intersection with State Highway 68, inclusive.
- q. Unnumbered highways (Nashua-Cooper Road and Blanco Road) between the intersection with State Highway 1, approximately 2 miles south of Castroville and the intersection with State Highway 68 approximately one mile south of Salinas.
- r. State Highway 183 between Castroville and Salinas, inclusive.
- s. County Road G-12 (Hall Road) between Watsonville and its intersection with County Road G-11 (San Juan Road); County Road G-11 between its junction with County Road G-12 and its junction with U.S. Highway 101, near the San Benito-Monterey County Line.
- t. State Highway 129 between Watsonville and its junction with U.S. Highway 101, inclusive.
- u. Unnumbered highway (Carpenteria Road) between its junction with State Highway 129 and its junction with County Road G-11, via Aromas.

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- v. State Highway 156 between its junction with U.S. Highway 101 and Hollister, inclusive.
  - w. State Highway 25 between its junction with U.S. Highway 101 and Hollister, inclusive.
3. From, to and between all points and places on or within 3 miles laterally of the following named highways, also serving the named off-route points:
- a. State Highway 99 between Sacramento and Stockton, inclusive, serving the off-route points of the Campbell Soup Company Plant on Franklin Boulevard approximately one mile from Sacramento.
  - b. U.S. Highway 50 between Sacramento and Clarksville, inclusive.
  - c. State Highway 16 between Madison and Woodland, inclusive, and between Sacramento and Michigan Bar, inclusive.
  - d. Interstate Highway 5 between Zamora and Sacramento, inclusive.
  - e. State Highway 113 between Robbins and Davis, inclusive.
  - f. State Highway 70 between Rio Oso and East Nicolaus; unnumbered highway between East Nicolaus and Nicolaus; and unnumbered highway (Garden Highway) between Nicolaus and Sacramento; inclusive.
  - g. State Highway 128 between Winters and Davis, inclusive.
  - h. State Highway 65 between Lincoln and Roseville, inclusive.
  - 1. Interstate Highway 80 between the San Francisco Territory and Loomis, inclusive, serving the off-route points of Martinez and Mare Island Naval Shipyard.

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- j. State Highway 160 between its junction with State Highway 4 near Antioch and Sacramento, inclusive.
- k. State Highway 12 between its junction with Interstate Highway 80 near Fairfield and its junction with State Highway 99 near Lodi, inclusive.
- l. State Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton, inclusive.
- m. State Highway 24 between the San Francisco Territory and Walnut Creek, inclusive.
- n. Unnumbered highway (Moraga Road), between Lafayette and Moraga, inclusive.
- o. State Highway 21 between its junction with Interstate Highway 80 near Cordelia and its junction with Interstate Highway 680 near Benicia; and Interstate Highway 680 between its junction with State Highway 21 and its junction with Interstate Highway 580 near Dublin; inclusive.
- p. Unnumbered highways (Stone Valley Road, Green Valley Road, Blackhawk Road and Dougherty Road) between Alamo and the intersection of Dougherty Road with Interstate Highway 580, via Diablo.
- q. Unnumbered highways (Clayton Road, Marsh Creek Road and Camino Pablo Road) between Concord and Byron, inclusive.
- 4. From, to and between all points and places on and within 5 miles laterally of the following named highways:
  - a. State Highway 1 between San Francisco and Santa Cruz, inclusive.

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- b. State Highway 2 between Half Moon Bay and the San Francisco Territory, inclusive.
  - c. State Highway 84 between its junction with State Highway 1 near San Gregorio and the San Francisco Territory.
5. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

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.
- 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.

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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.

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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 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 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.

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## 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)

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