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Decision No. 85253

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THOMPSON BROS., INC.,  
a California corporation, and  
THE SANTA FE TRAIL TRANSPORTATION  
COMPANY, a Kansas corporation, to  
transfer the certificate of public  
convenience and necessity of  
Thompson to Santa Fe, and for  
interim relief for Santa Fe to  
temporarily operate Thompson  
authority.

Application No. 54782  
(Filed April 4, 1974)

FINAL OPINION

By Decision No. 82940 dated June 5, 1974, the Commission granted interim authority to Thompson Bros., Inc. to lease its operating authority as a highway common carrier to The Santa Fe Trail Transportation Company, a Kansas corporation, pending a final order of the Interstate Commerce Commission authorizing the parties to transfer said operating authority pursuant to an agreement of sale.

The certificate was granted by Decision No. 79860 dated March 28, 1972 in Application No. 52032 and authorizes the transportation of general commodities, with certain exceptions, between various points within the State. The sale, which also includes the transfer of corresponding interstate authority, is subject to the exclusive jurisdiction of the Interstate Commerce Commission pursuant to Section 5 of the Interstate Commerce Commission.

On October 22, 1975, the Interstate Commerce Commission issued an order authorizing the sale and transfer as requested.

FINAL ORDER

IT IS ORDERED that:

1. In compliance with the final order of the Interstate Commerce Commission and on or before July 1, 1976 Thompson Bros., Inc. may sell and transfer the operating rights referred to in the application to The Santa Fe Trail Transportation Company.

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 one day after the effective date of this order on not less than one day's 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 The Santa Fe Trail Transportation Company, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A of this decision. To the extent that such authority duplicates any authority heretofore granted by this Commission to The Santa Fe Trail Transportation Company, such prior authority is revoked.

6. The certificate of public convenience and necessity granted by Decision No. 79860 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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


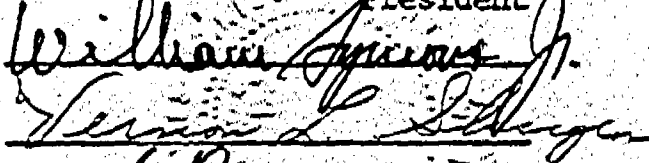

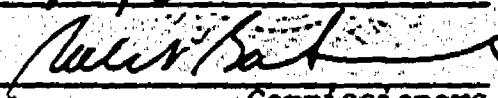
8. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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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 16th day of DECEMBER, 1975.

  
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President  
  
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Commissioners

Santa Fe Trail Transportation Company, a Kansas 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 for the transportation of general commodities as follows:

Between the following points, serving all intermediate points on the said routes and off-routes points within 15 miles thereof; subject to the restriction that no shipment will be transported having both origin and destination south of the northern boundary of San Luis Obispo, Kern and San Bernardino Counties except where such shipment is a part of a split pickup or delivery shipment, one or more components of which, has origin or destination north of said line, except as specified below:

1. Red Bluff and the junction of State Highway 99 and State Highway 4 near Stockton via State Highway 99.
2. Redding and Wheeler Ridge via Interstate Highway 5.
3. Williams and Grass Valley via State Highway 20.
4. Grass Valley and Placerville via State Highway 49.
5. Junction of State Highway 99 and State Highway 70 south of Paradise and State Highway 99 and State Highway 70 south of Trowbridge via State Highway 70.
6. Marysville and Roseville via State Highway 65.
7. Vacaville and Dunnigan via Interstate Highway 505.
8. Pinole and Auburn via Interstate Highway 80.
9. Sacramento and Placerville via U. S. Highway 50.
10. San Diego and San Ysidro via Interstate Highway 5.

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11. To and from and between all points and places located in San Francisco Territory as described in Note A, and points located within 15 miles of the boundaries of said Territory.
12. San Rafael and Richmond via State Highway 17.
13. Oakland and San Jose via State Highway 17.
14. Vallejo and Pleasant Hill via Interstate Highway 680.
15. Walnut Creek and San Jose via Interstate Highway 680.
16. Lodi and Santa Rosa via State Highway 12.
17. Antioch and Sacramento via State Highway 160.
18. Calistoga and Vallejo via State Highway 29.
19. Ignacio and Vallejo via State Highway 37.
20. San Francisco and Carmel via State Highway 1.
21. San Francisco and Salinas via U. S. Highway 101.
22. Junction State Highway 156 and U. S. Highway 101 near San Juan Batista and junction of State Highway 156 and State Highway 152 near San Felipe via State Highway 152.
23. Gilroy and junction State Highway 152 and State Highway 99 near Chowchilla via State Highway 152.
24. Junction State Highway 33 and Interstate Highway 205 (Business) near Banta and Maricopa via State Highway 33.
25. Coalinga and Hanford via State Highway 198.
26. Junction of State Highway 201 and State Highway 63 west of Yettam and Visalia via State Highway 63.
27. Fresno and Kettleman City via State Highway 41.
28. Selma and Bakersfield via State Highway 43.

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29. Ducor and junction of State Highway 65 and State Highway 99 northwest of Bakersfield.
30. To and from and between all points and places located in Los Angeles Basin Territory as described in Note B, and points located within 15 miles of the boundaries of said Territory.
31. Pomona and Murietta via State Highway 71.
32. San Bernardino and San Diego via Interstate Highway 15.
33. Oceanside and Escondido via State Highway 78.
34. To and from and between all points and places located in San Diego Territory as described in Note C, and points located within 15 miles of the boundaries of said Territory.
35. Traversing on and over public highways, streets and roads between all points above authorized for operating convenience.
36. Between Salinas and Los Angeles over U. S. Highway 101, serving no intermediate points, for operating convenience only.
37. Between Paso Robles and Famoso on State Highway 46, serving no intermediate points, for operating convenience only.

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 salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

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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.
5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
8. Logs.
9. Articles of extraordinary value.
10. Cleaning, scouring and washing compounds, textile softeners, laundry bleach, vegetable oil shortening, cooking oil, peanut butter, and prepared edible flour when transported in pool shipments in truckloads of over 20,000 pounds from Sacramento to retail stores.
11. Salt, when transported between Newark and Sacramento.
12. Sugar when transported between Tracy and Sacramento, or from Crockett to points within 350 miles of Crockett.

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13. Trisodium Phosphate when transported from Richmond to Sacramento in shipments of 40,000 pounds or more.
14. Empty containers of not less than sixty cubic feet capacity each when transported for returning loads of articles or commodities in paragraphs 11, 12 or 13 above.
15. Commodities, the transportation of which, because of their size or weight, requires the use of special equipment; or commodities, the transportation of which, because of their size or weight, require special permits from State, County or City governmental agencies to transport said commodities over the public highways.

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 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

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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 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 Avenue 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 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

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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 C

SAN DIEGO TERRITORY

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

(END OF APPENDIX A)

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