

ALJ/DL/TCG/WPSC/ra

ORIGINALDecision 83 12 120 NOV 30 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of Bolla Freight Lines, Inc., a)
 California corporation, for)
 authority to sell, and A. B.)
 Xpress, Inc., a California)
 corporation, to purchase a)
 Certificate of Public Convenience)
 and Necessity, and to issue)
 stock.)

Application 83-09-67
 (Filed September 23, 1983)

O P I N I O N

Bolla Freight Lines, Inc. (Bolla), a California corporation, requests authority to sell and transfer, and A. B. Xpress, Inc. (Xpress), a California corporation, seeks authority to purchase and acquire a certificate of public convenience and necessity as a highway common carrier and to issue stock.

The certificate (File T-126,623) was granted by Decision 89364, dated September 6, 1978, in Application 58124. It authorizes the transportation of general commodities with certain specified exclusions, generally between San Rafael and Sacramento, on the north, and Carmel Valley, Salinas, Los Banos and Merced on the south. This certificated authority is registered with the Interstate Commerce Commission in its Docket No. MC-99980, thereby authorizing Bolla to operate in interstate and foreign commerce within the limits of its intrastate certificate.

Xpress presently holds no operating authority. Its balance sheet of May 1, 1983 shows assets of \$50,000, of which \$39,430 represents cash. It is a newly formed California corporation. ✓

Bolla alleges that it cannot continue under its current corporate structure, and that it had obtained additional venture capital which was conditioned upon forming A. B. Xpress, Inc. to operate the common carrier service. Bolla's president and major stockholder is also the president and major stockholder of Xpress.

Notice of the filing of the application appeared in the Commission's Daily Calendar of September 28, 1983. No protests have been received.

Findings of Fact

1. The proposed transfer would not be adverse to the public interest.
2. Xpress has the necessary experience and financial resources to conduct the proposed operation.
3. The stock transaction involved qualifies for the exemption from Sections 816 et seq., of the Public Utilities Code provided by Rule 33(g) of the Rules of Practice and Procedure.

4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

5. A public hearing is not necessary.

Conclusions of Law

1. The proposed transfer should be authorized.

2. The new certificate will not broaden or change the interstate or foreign commerce rights now held by Bolla.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Bolla Freight Lines, Inc., a California corporation, may sell and transfer the operative rights specified in the application to A. B. Xpress, Inc., a California corporation. This authority shall expire if not exercised by March 1, 1984, or within such additional time as the Commission may authorize.

2. Purchaser shall:

a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.

- b. Amend or reissue seller's tariffs. The tariffs shall not be effective before the date of transfer, nor before 5 days' notice is given to the Commission.
- c. Comply with General Orders Series 80, 100, 123, and 147, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.
- f. Comply with General Order Series 102 and 130. If applicant elects to engage subhaulers, applicant shall have the required bond on file, and applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

3. If the transfer is completed, on the effective date of the tariffs, a certificate of public convenience and necessity is granted to A. B. Xpress, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213, between the points listed in Appendix A.

4. The certificate of public convenience and necessity granted by Decision 89364 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated NOV 30 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

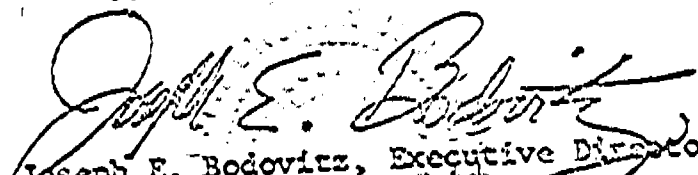
PRISCILLA C. CREW

WILLIAM T. BAGLEY

Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

A. B. Xpress, Inc., a California 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:

- A. From, to and between all points located along the highways and within the territory hereinafter described:
 - 1. The San Francisco-East Bay Cartage Zone, as described in Note A.
 - 2. Between San Mateo and San Jose and intermediate points on U.S. Highway 101 and State Highway 82, between Hayward and San Jose and intermediate points on State Highways 17 and 238, and between all points laterally within 5 statute miles of said highways and all points and places within a radius of 10 statute miles of San Jose.
- B. Between Half Moon Bay and points on U.S. Highway 101 between San Francisco and Menlo Park, inclusive, on the one hand, and points on or along the following routes, on the other hand:
 - 1. U.S. Highway 101 between San Rafael and Salinas, inclusive, and points within 10 statute miles of said route.
 - 2. State Highway 17 between San Rafael and Santa Cruz, inclusive, and points within 10 statute miles of said route.
 - 3. State Highway 1 between San Francisco and Carmel, inclusive, and points within 10 statute miles of said route, including the off-route point of Carmel Valley.
 - 4. State Highway 9 between Los Gatos and Santa Cruz, inclusive, and points within 5 statute miles of said route.

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5. State Highway 152 between Gilroy and State Highway 1, at Watsonville, inclusive, and points within 5 statute miles of said route.
6. State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive, and points within 5 statute miles of said route.
7. State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1, inclusive, and points within 5 statute miles of said route.
8. State Highway 68 between Salinas and Monterey, inclusive, and points within 5 statute miles of said route.
9. Interstate Highway 80 between San Francisco and Carmichael, inclusive, and points within 20 statute miles of said route.
10. Interstate Highway 80, State Highways 17 and 238, Interstate Highways 580, 205 and 5, used consecutively, between San Francisco and Stockton, inclusive, and points located within 20 statute miles of said route.
11. State Highway 4 and San Pablo Avenue between Pinole and Stockton, inclusive, and points within 5 statute miles of said route.
12. State Highway 160 between its intersection with State Highway 4, near Antioch, and Sacramento, inclusive, and points within 10 statute miles of said route.
13. State Highway 24 between Oakland and Concord, inclusive, and points within 5 statute miles of said route.
14. State Highway 84 between Livermore and Redwood City, inclusive, and points within 5 statute miles of said route.

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15. Interstate Highway 680 between Vallejo and its intersection with State Highway 17 near Milpitas, inclusive, and points within 10 statute miles of said route.
 16. State Highway 99 between Sacramento and Merced, inclusive, and points within 10 statute miles of said route.
 17. Interstate Highways 580 and 5 between Tracy and the intersection of Interstate Highway 5 with State Highway 152 near Los Banos, inclusive, and points within 10 statute miles of said route.
- C. Mechanical duplication 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 commodity between the same points.
- D. 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 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).
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, oxes, 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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; easterly along that boundary line to Lake Merced Boulevard; southerly along Lake Merced Boulevard to South Mayfair Avenue; westerly along South Mayfair Avenue to Crestwood Drive; southerly

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along Crestwood Drive to Southgate Avenue; westerly along Southgate Avenue to Maddux Drive; southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; along the boundary line to U.S. Highway 101 (Bayshore Freeway); leaving that boundary line, proceeding to the junction of Foster City Boulevard and Beach Park Road; northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; northerly along that imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; easterly and northerly along "B" Street to Center Street; northerly along Center Street to Castro Valley Boulevard; westerly along Castro Valley Boulevard to Redwood Road; northerly along Redwood Road to Somerset Avenue; westerly along Somerset Avenue and 168th Street to Foothill Boulevard; northwesterly along Foothill Boulevard to the southern boundary line of the City of Oakland; easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; northwesterly along the county line to its intersection with Arlington Avenue (Berkeley); northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); westerly along County Road 20 to Broadway Avenue; northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; westerly along Rivers Street to 11th Street; northerly along 11th Street to Johns Avenue; westerly along Johns Avenue to Collins Avenue; northerly along Collins Avenue to Morton Avenue; westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; westerly along the waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning.

(End of Appendix A)

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