

Decision 83 12 021 DEC 7 1983**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
 for an order approving transfer)
 of highway common carrier certi-)
 ficate of public convenience and)
 necessity from EDWARD M. WALSH,)
 trustee, KELLER'S FREIGHT LINE,)
 a California corporation, to)
 VEL TRANS (sic) doing business as)
 PAN MODAL COMPANY, a California)
 corporation, in accordance with)
 the requirements of Section 851)
 of the Public Utilities Code, with)
 a concurrent finding that public)
 convenience and necessity require)
 operations in interstate and)
 foreign commerce, in accordance)
 with Section 206(a)(6) of the)
 Interstate Commerce Act, as)
 amended.)

Application 83-08-63
 (Filed August 26, 1983)

O P I N I O N

Edward M. Walsh is the trustee in bankruptcy for Keller's Freight Line which operated as a highway common carrier in California under a certificate issued by Decision 86810 in Application 56360 (1977) and under Interstate Commerce Commission registration Docket MC-121687 (Sub-No. 1).

He seeks authority to transfer the certificate to Veltrans, a California corporation doing business as Pan Modal Company. He also seeks a finding that public convenience and necessity require Veltrans to continue the interstate service.

Veltrans is not now a carrier. It claims a net worth of \$25,000. It claims to have a line of credit to purchase transportation equipment.

Notice of the application was set forth in the Commission's Transportation Calendar of August 31, 1983. Notices to be published in the Federal Register were forwarded on August 29, 1983. No protests have been received.

Findings of Fact

We find that:

1. The proposed transfer would not be adverse to the public interest.

2. Public convenience and necessity require that Veltrans operate in interstate commerce within the scope of intrastate operations authorized by the certificate proposed to be transferred.

Conclusion of Law

The proposed transfer should be authorized. A public hearing is not necessary.

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. Edward M. Walsh, trustee for Keller's Freight Line, may sell and transfer the operative rights (and property) specified in the application to Veltrans. 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. File an annual report of seller's operations for the period from the first day of the current year to the date of transfer.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- 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 Veltrans, a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes listed in Appendix A.

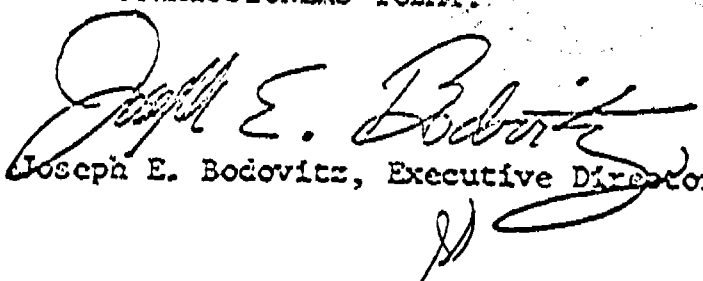
4. The certificate of public convenience and necessity granted by Decision 86810 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated DEC 7 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

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Veltrans, 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 Public Utilities Code Section 213 for the transportation of general commodities as follows:

1. Between all points and places in the San Francisco-East Bay Cartage Zone as described in Note A hereof.
2. Between all points and places on and within 10 statute miles of the following routes:
 - (a) U.S. Highway 101 between Asti and Salinas, inclusive, with no service authorized to points north of Asti or to the Geysers.
 - (b) State Highway 17 between San Rafael and Santa Cruz, inclusive.
 - (c) Interstate Highway 80 between San Francisco and Roseville, inclusive.
 - (d) State Highway 238 and Interstate Highway 580 between San Lorenzo and junction of Interstate Highway 5, inclusive.
 - (e) State Highway 120 and Interstate Highways 5 and 205 between Manteca and junction with Interstate Highway 580.
 - (f) State Highway 12 between Santa Rosa and Lodi, inclusive.
 - (g) State Highway 4 between Pinole and junction with State Highway 160, inclusive.

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- (h) State Highway 160 and State Highway 12 between junction with State Highway 4 and Rio Vista, inclusive.
- (i) State Highway 24 between Oakland and junction with State Highway 4, inclusive.
- (j) Interstate Highway 680 between Vallejo and Warm Springs, inclusive.
- (k) State Highway 29 between Vallejo and Rutherford, inclusive, with no service authorized to points north of Rutherford.
- (l) State Highway 99 between Sacramento and Modesto, inclusive.
- (m) Interstate Highway 5 between Woodland and Sacramento, inclusive.
- (n) State Highways 99 and 120 between Stockton and Manteca, inclusive.
- (o) U.S. Highway 50 and Folsom Boulevard between Sacramento and Rancho Cordova, inclusive.
- (p) Interstate Highways 80, 505 and State Highway 128 between Vacaville and Winters, inclusive.
- (q) State Highway 120 between Manteca and Oakdale, inclusive.
- (r) State Highway 1 between San Francisco and Carmel, inclusive.
- (s) State Highway 156 between Castroville and Hollister, inclusive.

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- (t) State Highway 68 between State Highway 1 and Salinas, inclusive.

RESTRICTION: The authority authorized in Paragraph 2 above is restricted against the transportation of shipments having an immediately prior or subsequent movement by air:

- (a) south of San Francisco on State Highway 1
- (b) south of Los Gatos on State Highway 17.
- (c) south of Coyote on U.S. Highway 101.
- (d) east of Livermore on Interstate Highway 205.
- (e) east of Antioch on State Highway 4.
- (f) east of Vallejo on Interstate Highway 80.

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 under the authority 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, briefcases, 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 semiplastic 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. Logs.
8. Articles of extraordinary value.
9. Commodities requiring the use of special
refrigeration or temperature control in
specially designed and constructed
refrigerator equipment.

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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 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

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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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