

ORIGINAL

Decision No. 87206

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PENGUIN TRUCKING CO., INC., to)
acquire portions of Certificates)
of Public Convenience and)
Necessity and for ALCO TRANSPOR-)
TATION CO. and ALCO FAST FREIGHT,)
INC., both corporations, to)
transfer, pursuant to Section 851,)
et seq., of the California Public)
Utilities Code.)

Application No. 56991
(Filed January 7, 1977)

O P I N I O N

Alco Transportation Co. (ATC) and Alco Fast Freight, Inc. (AFF), both California corporations and transferors herein, each hold a highway common carrier certificate from this Commission and a Certificate of Registration from the Interstate Commerce Commission based on their respective state certificates. Penguin Trucking Co., Inc. (PENGUIN), a California corporation and transferee herein, has entered into an agreement with transferors to purchase from them a portion of their intrastate and interstate operating authorities more fully described below.

The Interstate Commerce Commission, acting under its exclusive and plenary jurisdiction under Section 5 of the Interstate Commerce Act, has approved the entire transaction in Docket No. MC-F-12741 bearing a service date of December 23, 1976. In its order, the Interstate Commerce Commission directed PENGUIN, ATC and AFF to file with said Commission a certified copy of each of their supporting state certificates issued herein or, in lieu thereof, a certified copy of the California Commission's decision approving the partial transfers of the operating rights involved, together with a statement in writing confirming the date of consummation of the intrastate transaction.

In keeping with this requirement, the parties herein have filed this application. The existing state certificates, including amendments thereto, held by the transferors are identified as follows:

1. ALCO TRANSPORTATION CO. (ATC)
Decision 81377 dated May 15, 1973 in Application 53212. Certificate authorizes the transportation of general commodities generally between points within the Los Angeles Basin Territory, the San Diego Territory and all points located between said territories, and including San Ysidro, via certain specified routes.
2. ALCO FAST FREIGHT, INC. (AFF) (Previously known as Campora Fast Freight, Inc.)
Decision 61587 dated February 28, 1961 in Application 42573, as amended. This certificate, originally granted to Speedy Transport, Incorporated, was extensively amended by:
Decision 63663 dated May 8, 1962 in Application 42573;
Decision 63664 dated May 8, 1962 in Application 44039;
Decision 76758 dated February 10, 1970 in Application 42573;
Decision 82136 dated November 13, 1973 in Application 42573; and Decision 83052 dated June 25, 1974 in Application 42573.
AFF's current certificate authorizes the transportation of general commodities between points in the San Francisco Territory; Los Angeles Basin Territory; the Counties of Contra Costa, Sacramento, San Joaquin, Stanislaus and Merced; all points on or within 25 miles laterally of designated highways between: Sausalito and Petaluma; San Fernando and Redding; Hayward, also Sacramento and the California-Nevada State Line; as well as between various points in northern San Joaquin Valley; and between various points located on the north and west shores of Lake Tahoe.

PENGUIN, which now only holds permit carrier authority from this Commission, proposes to acquire from both ATC and AFF only that portion of their respective general commodity certificates which now includes the transportation of "Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment" between all of the territories and points that ATC and AFF are

individually authorized to serve. If the proposed transfer is authorized, ATC and AFF would both retain, under restated certificates, all of their present operating authorities other than the transportation of articles moving under refrigeration sought to be transferred to PENGUIN.

Included with the application and identified as Exhibit "A" is a "Purchase and Sale Agreement" entered into by the parties involved herein on October 10, 1975. The agreement indicates that the purchase price which PENGUIN agrees to pay for both portions of transferors' operating authorities is \$16,000 which includes a down payment of \$3,500. Of the purchase price, \$4,500 is ATC's share and \$11,500 is to be paid to AFF. The purchase price covers those portions of ATC's and of AFF's operating authorities, both intrastate and interstate, without any allocation between the two types of regulatory authority. No other financial considerations are involved.

The application herein seeks this Commission's approval of the transfer of those portions of ATC's and AFF's California intrastate certificates which now include and authorize the transportation of temperature-controlled commodities in refrigerator equipment. PENGUIN requests that it be granted a certificate to cover these partial operating authorities; and ATC and AFF request that their respective certificates be restricted to exclude therefrom the transportation of commodities requiring refrigerator equipment between all of the points each of them is respectively authorized to serve.

A copy of the application was mailed to California Trucking Association at their request. Notice of the filing of the application appeared in the Commission's Daily Calendar of January 11, 1977. No protests to this application have been received.

In view of the fact that the Interstate Commerce Commission under its plenary jurisdiction and by its Order served December 23, 1976, has already approved the partial transfer of ATC's and AFF's interstate operating rights to PENGUIN, applicants request that this matter be handled by ex parte order and that the resultant decision be made effective on the date it is signed; also that the necessary tariff publications be authorized for publication on five (5) days' notice to the public.

After consideration, the Commission finds:

1. This application is a matter over which the Interstate Commerce Commission has plenary jurisdiction and has given its approval.
2. The proposed partial sale and transfer of the intrastate certificates will not be adverse to the California public interest.
3. The effective date of this order should be the date the order is signed and necessary tariff publications should be authorized for publication on five days' notice to the public.

The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary. The order which follows will provide for, in the event the transfers are consummated: (a) the granting of a California certificate to PENGUIN limited to the specialized transportation of articles requiring movement in refrigerator equipment; (b) the granting of in-lieu California certificates to both ATC and AFF restricted to exclude the specific operating rights transferred to PENGUIN, respectively; and (c) the revocation of all California certificates, including amendments thereto, now held by ATC and AFF, respectively, as identified above. In each instance, the territorial descriptions and routes in these new certificates reflect the current identification of redesignated territorial boundaries, highways, roads or streets and do not in any way broaden or change the interstate or foreign commerce rights now held by the transferring carriers involved.

PENGUIN 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 cancelled at any time by the State which is not, in any respect, limited as to the number of rights which may be given. The authorization granted shall not be construed as a finding of the value of the rights to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before May 15, 1977, ALCO TRANSPORTATION CO. and ALCO FAST FREIGHT, INC. may sell and transfer the portion of their respective operating rights referred to in this application to PENGUIN TRUCKING CO., INC.
2. Within thirty days after the transfer, PENGUIN TRUCKING CO., INC. shall file with the Commission a written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the authority granted by this decision to show that they have adopted or established, as their 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.

4. 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 80-Series. Failure to comply with the provisions of General Order 80-Series may result in a cancellation of the operating authorities granted by this decision.

5. In the event the transfers authorized in paragraph 1 are completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, certificates of public convenience and necessity are granted to: (a) PENGUIN TRUCKING CO., INC. authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of "Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment"; (b) ALCO TRANSPORTATION CO., an in-lieu certificate for the transportation of "General Commodities, excluding those which are required to be transported in refrigerator equipment"; and (c) ALCO FAST FREIGHT, INC., an in-lieu certificate for the transportation of "General Commodities, excluding those which are required to be transported in refrigerator equipment"; between the territories, the points and over the routes as set forth in Appendices A, B and C, respectively, attached hereto and made a part hereof.

6. The certificates of public convenience and necessity granted or amended by Decisions 81377, 61587, 63663, 63664, 76758, 82136 and 83052 are hereby revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. PENGUIN TRUCKING CO., INC., ALCO TRANSPORTATION CO. and ALCO FAST FREIGHT, INC. shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order 100-Series.

8. PENGUIN TRUCKING CO., INC., ALCO TRANSPORTATION CO. and ALCO FAST FREIGHT, INC. shall maintain their 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 April 30 of each year, an annual report of their operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

9. PENGUIN TRUCKING CO., INC., ALCO TRANSPORTATION CO. and ALCO FAST FREIGHT, INC. shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If they elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 12th day of APRIL, 1977.

Robert Bateman
President
William J. Lyons
Vernon L. Sturgeon
Ron
Richard D. Laval
Commissioners

Penguin Trucking Co., 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 commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment as follows: (SEE NOTE 1)

(NOTE 1: All references to lateral mileage distances shown herein shall be construed to mean statute miles.)

1. Between all points and places in the Los Angeles Basin Territory as described in Note A.
2. Between all points on or within 5 miles laterally of Interstate Highway 5 and State Highway 1, between Los Angeles and San Ysidro, inclusive.
3. Between all points on or within 5 miles laterally of Interstate Highway 15 between San Bernardino and San Diego, inclusive.
4. Between all points on or within 5 miles laterally of State Highway 78, between Oceanside and Escondido, inclusive.
5. Between all points and places in the San Diego Territory as described in Note B.
6. Between all points and places set forth in paragraphs 1, 2, 3, 4 and 5 above, on the one hand, and, on the other hand, all points located on or within 10 miles laterally of that portion of State Highway 1, U. S. Highway 101 and State Highway 217 situated north of the Los Angeles Basin Territory to and including Goleta.
7. Between San Francisco, Richmond and the Oakland Pickup and Delivery Zone as described in Note C, on the one hand, and Fremont, Milpitas, Palo Alto, Redwood City, San Jose, Santa Clara and San Mateo, on the other hand.

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8. Between all points and places within the Counties of Contra Costa, Sacramento, San Joaquin, Stanislaus and Merced.
9. Between all points and places on or within 25 miles laterally of the following highways:
 - a. U. S. Highway 101 between Sausalito and Petaluma, inclusive.
 - b. (1) Interstate Highway 5, State Highway 99, Interstate Highway 80, State Highway 65, State Highway 20, State Highway 99 and Interstate Highway 5 (east route); and (2) Interstate Highway 5, State Highway 99, Interstate Highway 80, State Highway 113 and Interstate Highway 5 (west route); between San Fernando and Redding, inclusive. (See restrictions, paragraph 12 below.)
 - c. Interstate Highway 580, Interstate Highway 205, Interstate Highway 5, State Highway 99 and U. S. Highway 50 between Hayward and the California-Nevada State Line, inclusive.
 - d. Interstate Highway 80 between Sacramento and the California-Nevada State Line, inclusive.
 - e. State Highway 120 between its junction with Interstate Highway 5 (east of Tracy) and Manteca, inclusive.
 - f. State Highway 33 between its junction with Interstate Highway 5 (south of Tracy) and Los Banos, inclusive.
 - g. State Highway 152 between Los Banos and the junction of State Highways 152 and 99 (approximately 4 miles southeast of Chowchilla) (formerly designated as Califa), inclusive.
 - h. State Highway 89 between its junction with Interstate Highway 80 (near Truckee) and Tahoe Valley, inclusive.

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1. State Highway 28 between Tahoe City and the California-Nevada State Line, inclusive.
10. Between San Francisco Territory as described in Note D, Los Angeles Basin Territory as described in Note A, and all points and places included in paragraphs 8 and 9 above.
11. No local service is authorized between:
 - a. Points and places within the San Francisco Territory.
 - b. Points within the San Francisco Territory, on the one hand, and points on U. S. Highway 101 between Sausalito and Petaluma, inclusive, on the other hand.
12. RESTRICTIONS:

Applicant shall not transport any shipment to, from or between any of the following points:

- a. Newhall, Saugus, Castaic, Weed Patch, Lamont, Arvin and Di Giorgio.
- b. Any point on State Highway 14 between its junction with Interstate Highway 5 and Mojave.
- c. Any point on State Highway 58 between Bakersfield (but excluding Bakersfield) and Mojave.
- d. Any point on Interstate Highway 5 and State Highway 138 between Gorman and Lancaster.
- e. Any point between the northerly boundaries of Kern and San Bernardino Counties and the northerly boundary of the Los Angeles Basin Territory located east of the easterly boundary of carrier's 25-mile lateral.

NOTE A

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-

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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 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 B

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

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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.

NOTE C

OAKLAND PICKUP AND DELIVERY ZONE

Oakland Pickup and Delivery Zone includes all of the City of Emeryville; also those parts of Albany, Alameda, Berkeley, Oakland and Piedmont bounded by the following: Beginning at San Francisco Bay and Alameda-Contra Costa County Line, thence easterly along said county line to Curtis Street, southerly on Curtis Street to Solano Avenue, easterly on Solano Avenue to Tulare Avenue, southerly and westerly along city limits boundary line of Albany to Ordway Street, southerly on Ordway Street to Hopkins Street, northeasterly on Hopkins Street to Grove Street, southerly on Grove Street to Rose Street, easterly on Rose Street to Oxford Street, southerly on Oxford Street to Hearst Avenue, easterly and southerly along the city limit boundary line of Berkeley to Dwight Way, southwesterly and westerly on Dwight Way to College Avenue, southerly on College Avenue to Broadway, southwesterly on Broadway to Mather Street, easterly on Mather Street and Pleasant Valley Avenue to Rose Avenue, southwesterly on Rose Avenue to Echo Avenue, southerly on Echo Avenue to Linda Avenue, easterly on Linda Avenue to Grand Avenue, southerly on Grand Avenue to Mandana Boulevard, easterly on Mandana Boulevard to Lakeshore Avenue, westerly on Lakeshore Avenue to Excelsior Avenue, easterly on Excelsior Avenue to Hopkins Street, easterly on Hopkins Street to 55th Avenue, southwesterly on 55th Avenue to Camden Street, southeasterly on Camden Street to Seminary Avenue, northeasterly on Seminary Avenue to Outlook Avenue, southeasterly on Outlook Avenue to Parker Avenue, southerly on Parker Avenue to Foothill Boulevard, southeasterly on Foothill Boulevard to the Oakland-San Leandro boundary line, westerly along the Oakland-San Leandro boundary line and its prolongation to Edes Avenue, northwesterly on Edes Avenue to Jones Avenue, westerly on Jones Avenue to 98th Avenue, easterly on 98th Avenue to Railroad Avenue, northwesterly on Railroad Avenue and its prolongation to 50th Avenue, southwesterly on 50th Avenue to San Leandro Bay, northwesterly along the shore line of San Leandro Bay and Oakland Inner Harbor to Oakland Middle Harbor, northerly along shore line of Oakland Middle Harbor and Oakland Outer Harbor and San Francisco to point of beginning;

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-also-

City of Alameda, beginning at High Street and Oakland Inner Harbor, thence southerly, westerly and northerly along the shore line to the mouth of the Oakland Estuary, thence easterly along the Alameda shore line of the Oakland Estuary, to starting point; including Government Island.

NOTE D

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

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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.

(END OF APPENDIX A)

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Decision 87206, Application 56931.

Alco Transportation Co., by the certificate of public convenience and necessity granted in the 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 (with exceptions hereinafter noted) between the following points: (See Note 1)

(NOTE 1: All references to lateral mileage distances shown herein shall be construed to mean statute miles.).

1. Between all points and places in the Los Angeles Basin Territory as described in Note A.
2. Between all points on or within 5 miles laterally of Interstate Highway 5 and State Highway 1, between Los Angeles and San Ysidro, inclusive.
3. Between all points on or within 5 miles laterally of Interstate Highway 15, between San Bernardino and San Diego, inclusive.
4. Between all points on or within 5 miles laterally of State Highway 78, between Oceanside and Escondido, inclusive.
5. Between all points and places in the San Diego Territory as described in Note B.
6. Between all points and places as set forth in paragraphs 1, 2, 3, 4 and 5 above, on the one hand, and, on the other hand, all points located on or within 10 miles laterally of that portion of State Highway 1, U.S. Highway 101 and State Highway 217 situated north of the Los Angeles Basin Territory to and including Coleta. (See Restriction below)

RESTRICTION: The service described in paragraph 6 is restricted against the handling of freight forwarder traffic.

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7. Through routes and rates may be established between any and all points described above; and through routes and joint rates may be established between the afore-said points, on the one hand, and points served by other carriers, on the other hand, at the most convenient point of interchange.
8. 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.
9. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:
 - a. 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).
 - b. 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.
 - c. 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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- d. 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.
- e. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
- f. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- g. Logs.
- h. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
- i. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A

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;

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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.

NOTE B

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 B)

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Alco Fast 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 (with exceptions hereinafter noted) between the following points: (See NOTE 1)

(NOTE 1: All references to lateral mileage distances shown herein shall be construed to mean statute miles).

1. Between San Francisco, Richmond and the Oakland Pickup and Delivery Zone as described in Note A, on the one hand, and Fremont, Milpitas, Palo Alto, Redwood City, San Jose, Santa Clara and San Mateo, on the other hand.
2. Between all points and places within the Counties of Contra Costa, Sacramento, San Joaquin, Stanislaus and Merced.
3. Between all points and places on or within 25 miles laterally of the following highways:
 - a. U.S. Highway 101 between Sausalito and Petaluma, inclusive.
 - b. (1) Interstate Highway 5, State Highway 99, Interstate Highway 80, State Highway 65, State Highway 20, State Highway 99 and Interstate Highway 5 (east route); and (2) Interstate Highway 5, State Highway 99, Interstate Highway 80, State Highway 113 and Interstate Highway 5 (west route); between San Fernando and Redding, inclusive. (See restrictions, paragraph 8 below:)
 - c. Interstate Highway 580, Interstate Highway 205, Interstate Highway 5, State Highway 99 and U.S. Highway 50 between Hayward and the California-Nevada State Line, inclusive.
 - d. Interstate Highway 80 between Sacramento and the California-Nevada State Line, inclusive.

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- e. State Highway 120 between its junction with Interstate Highway 5 (east of Tracy) and Manteca, inclusive.
- f. State Highway 33 between its junction with Interstate highway 5 (south of Tracy) and Los Banos, inclusive.
- g. State Highway 152 between Los Banos and the junction of State Highways 152 and 99 (approximately 4 miles southeast of Chowchilla) (formerly designated as Califa), inclusive.
- h. State Highway 89 between its junction with Interstate Highway 80 (near Truckee) and Tahoe Valley, inclusive.
- i. State Highway 28 between Tahoe City and the California-Nevada State Line, inclusive.
- 4. Between San Francisco Territory as described in Note B, Los Angeles Basin Territory as described in Note C, and all points and places in paragraphs 2 and 3 above.
- 5. Through routes and rates may be established between any and all points and places in paragraphs 2, 3 and 4 above.
- 6. 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.
- 7. No local service is authorized between:
 - a. Points and places within the San Francisco Territory.
 - b. Points and places within the Los Angeles Basin Territory.
 - c. Points within the San Francisco Territory, on the one hand, and points on U.S. Highway 101 between Sausalito and Petaluma, inclusive, on the other hand.

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Decision 87206, Application 56991.

8. RESTRICTIONS:

Applicant shall not transport any shipment to, from or between any of the following points:

- a. Newhall, Saugus, Castaic, Weed Patch, Lamont, Arvin and Di Giorgio.
 - b. Any point on State Highway 14 between its junction with Interstate Highway 5 and Mojave.
 - c. Any point on State Highway 58 between Bakersfield (but excluding Bakersfield) and Mojave.
 - d. Any point on Interstate Highway 5 and State Highway 138 between Gorman and Lancaster.
 - e. Any point between the northerly boundaries of Kern and San Bernardino Counties and the northerly boundary of the Los Angeles Basin Territory located east of the easterly boundary of carrier's 25-mile lateral.
9. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:
- a. 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).
 - b. 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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- c. 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.
 - d. 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.
 - e. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
 - f. Logs.
 - g. Fresh or green fruits or vegetables (not cold pack nor frozen) when:
 - (1) The point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery.
 - (2) Transported from the field or point of growth to a packing plant or packing shed (see exception below).
- EXCEPTION:
- Except for the transportation of citrus fruits in field boxes or in bulk, or avocados, the provisions of paragraph (g) will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.
- (3) For the transportation of sugar beets, the point of destination is a beet sugar factory or a railroad loading dump.
- h. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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Decision 87206, Application 56991.

NOTE A

OAKLAND PICKUP AND DELIVERY ZONE

Oakland Pickup and Delivery Zone includes all of the City of Emeryville; also those parts of Albany, Alameda, Berkeley, Oakland and Piedmont bounded by the following: Beginning at San Francisco Bay and Alameda-Contra Costa County Line, thence easterly along said county line to Curtis Street, southerly on Curtis Street to Solano Avenue, easterly on Solano Avenue to Tulare Avenue, southerly and westerly along city limits boundary line of Albany to Ordway Street, southerly on Ordway Street to Hopkins Street, northeasterly on Hopkins Street to Grove Street, southerly on Grove Street to Rose Street, easterly on Rose Street to Oxford Street, southerly on Oxford Street to Hearst Avenue, easterly and southerly along the city limit boundary line of Berkeley to Dwight Way, southwesterly and westerly on Dwight Way to College Avenue, southerly on College Avenue to Broadway, southwesterly on Broadway to Mather Street, easterly on Mather Street and Pleasant Valley Avenue to Rose Avenue, southwesterly on Rose Avenue to Echo Avenue, southerly on Echo Avenue to Linda Avenue, easterly on Linda Avenue to Grand Avenue, southerly on Grand Avenue to Mandana Boulevard, easterly on Mandana Boulevard to Lakeshore Avenue, westerly on Lakeshore Avenue to Excelsior Avenue, easterly on Excelsior Avenue to Hopkins Street, easterly on Hopkins Street to 55th Avenue, southwesterly on 55th Avenue to Camden Street, southeasterly on Camden Street to Seminary Avenue, northeasterly on Seminary Avenue to Outlook Avenue, southeasterly on Outlook Avenue to Parker Avenue, southerly on Parker Avenue to Foothill Boulevard, southeasterly on Foothill Boulevard to the Oakland-San Leandro boundary line, westerly along the Oakland-San Leandro boundary line and its prolongation to Edes Avenue, northwesterly on Edes Avenue to Jones Avenue, westerly on Jones Avenue to 98th Avenue, easterly on 98th Avenue to Railroad Avenue, northwesterly on Railroad Avenue and its prolongation to 50th Avenue, southwesterly on 50th Avenue to San Leandro Bay, northwesterly along the shore line of San Leandro Bay and Oakland Inner Harbor to Oakland Middle Harbor, northerly along shore line of Oakland Middle Harbor and Oakland Outer Harbor and San Francisco to point of beginning:

-also-

City of Alameda, beginning at High Street and Oakland Inner Harbor, thence southerly, westerly and northerly along the shore line to the mouth of the Oakland Estuary, thence easterly along the Alameda shore line of the Oakland Estuary, to starting point; including Government Island.

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Decision 87206, Application 56991.

NOTE B

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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Decision 87206, Application 56991.

NOTE C

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 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 C)

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Decision 87206, Application 56991.