

ORIGINAL

Decision No. 87821 SEP 7 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of O.N.C. FREIGHT)	
SYSTEMS and UTS FREIGHT SYSTEMS)	Application No. 57377
to transfer authorities to ROCOR)	(Filed June 14, 1977)
TRUCK LINES.)	

O P I N I O N

O.N.C. Freight Systems is a California corporation which holds a highway common carrier certificate of public convenience and necessity granted by Decision 80676, dated October 31, 1972 in Application 53077, and highway carrier permits issued by this Commission. The certificate authorizes transportation of general commodities, with the usual exclusions, between numerous points in northern California. This carrier also operates under authority issued by the Interstate Commerce Commission in Docket MC 71459.

UTS Freight Systems is a California corporation which holds only permitted operating authority issued by this Commission. Rocor Truck Lines is a Nevada corporation which is authorized to conduct business in California. It does not presently hold operating authority issued by this Commission.

By this application, the applicants request authority to transfer the certificate held by O.N.C. Freight Systems and the permits held by UTS Freight Systems to Rocor Truck Lines. The transfers are part of a reorganization plan involving the applicants and various other affiliated corporations. The Plan of Reorganization (Attachment "D" to the application) was authorized by the Interstate Commerce Commission in its Initial Decision No. MC-F-12675, served on January 6, 1977. The plan was devised for the purpose of consolidating some of the twenty-one existing commonly controlled carriers under Rocor International into five carriers in order to achieve economies and efficiencies.

The proposed transfers, with the exception of the highway carrier permits issued by this Commission, are subject to the exclusive jurisdiction of the Interstate Commerce Commission pursuant to Section 5 of the Interstate Commerce Act.

Transfer of the permits should be requested by separate applications accompanied by filing fees and then submitted to this Commission.

After consideration, the Commission finds that the proposed transfer of the certificate granted by Decision 80676 would not be adverse to the public interest of California and should be authorized. We further find with reasonable certainty that the project involved in this proceeding, to the extent it is authorized herein, will not have a significant effect on the environment. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by O.N.C. Freight Systems and the issuance of a certificate in appendix form to Rocor Truck Lines, a Nevada corporation.

Rocor Truck Lines is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the state as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. O.N.C. Freight Systems may transfer the operative rights granted by Decision 80676 to Rocor Truck Lines, a Nevada corporation.
2. Within thirty days after the transfer, Rocor Truck Lines 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. Rocor Truck Lines 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 adopted or established, as its 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. 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 the 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 Rocor Truck Lines, a Nevada corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted by Decision 80676 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Rocor Truck Lines 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. Rocor Truck Lines 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 April 30 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.

9. Rocor Truck Lines shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If the purchaser elects not to transport collect on delivery shipments, it shall make appropriate tariff filings as required by the General Order.

10. The request to transfer the permitted operating authority of UTS Freight Systems to Rocor Truck Lines is denied without prejudice to allow the filing of separate applications for such transfer.

11. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure which requires wide dissemination of the application.

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

Dated at San Francisco, California, this 7th day of SEPTEMBER, 1977.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Robert Bateman
President
William S. Lyons, Jr.

Richard D. Gravelle
Clair J. Delich
Commissioners

Rocor Truck Lines, 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:

- I. Between all points and places in the San Francisco Territory as described in Note A and between the San Francisco Territory, on the one hand, and:
 - a. Sacramento and all points located within a radius of twenty statute miles of Sacramento, on the other hand.
 - b. Points on Interstate Highway 5 between Red Bluff and the California-Oregon State Line, including Red Bluff, on the other hand.
 - c. Points on U.S. Highway 97 between Weed and the California-Oregon State Line, on the other hand.
- II. Between all points and places on and within ten statute miles laterally of the following highways (See Exception):
 1. Saratoga-Sunnyvale Road between Cupertino and Saratoga, inclusive;
 2. State Highway 17 between Campbell and Los Gatos, inclusive;
 3. U.S. Highway 101 between San Francisco and Novato, inclusive;
 4. Interstate Highway 80 between Richmond and Sacramento, inclusive;
 5. Interstate Highways 580, 205 and 5 between Hayward and Stockton and State Highway 99 between Stockton and Sacramento, inclusive;
 6. State Highway 4 between Pinole and Stockton, inclusive;
 7. State Highway 24 between Oakland and its intersection with State Highway 4 and State Highway 160 between its intersection with State Highway 4 and Sacramento, inclusive;

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 - b. Points on Interstate Highway 5 between Red Bluff and the California-Oregon State Line, including Red Bluff, on the other hand.
 - c. Points on U.S. Highway 97 between Weed and the California-Oregon State Line, on the other hand.
- II. Between all points and places on and within ten statute miles laterally of the following highways (See Exception):
 1. Saratoga-Sunnyvale Road between Cupertino and Saratoga, inclusive;
 2. State Highway 17 between Campbell and Los Gatos, inclusive;
 3. U.S. Highway 101 between San Francisco and Novato, inclusive;
 4. Interstate Highway 80 between Richmond and Sacramento, inclusive;
 5. Interstate Highways 580, 205 and 5 between Hayward and Stockton and State Highway 99 between Stockton and Sacramento, inclusive;
 6. State Highway 4 between Pinole and Stockton, inclusive;
 7. State Highway 24 between Oakland and its intersection with State Highway 4 and State Highway 160 between its intersection with State Highway 4 and Sacramento, inclusive;

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8. State Highway 21 between Cordelia and its intersection with Interstate Highway 680 and between that point and Mission San Jose via Interstate Highway 680, inclusive;
9. State Highway 12 between Fairfield and Lodi, inclusive; and
10. Unnumbered highway between Concord and Byron, inclusive.

Exception: The ten statute mile extension above noted shall not apply north of Novato.

- III. A BETWEEN Sacramento and all points located within a radius of twenty statute miles of Sacramento, on the one hand, and Red Bluff and all intermediate points on the following named highways, on the other hand:
1. Interstate Highway 80 between Sacramento and Roseville, State Highway 65 between Roseville and Marysville and State Highway 99 between Marysville and Red Bluff, inclusive;
 2. State Highway 16 between Sacramento and Woodland, inclusive;
 3. Interstate Highway 5 between Woodland and Red Bluff, inclusive.
- B. Sacramento and Redding, on the one hand, and on the other hand, intermediate points between Redding and the California-Oregon State Line on Interstate Highway 5 and State Highway 97, with two statute mile laterals.
- C. BETWEEN Oleum, on the one hand, and, on the other hand, Redding and all points north of Redding to and including the California-Oregon State Line.
- D. BETWEEN Redding and Keswick Dam and intermediates within three statute miles laterally.

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- IV. Through routes and rates may be established between any and all points and places specified in paragraphs I and II above.

Applicant 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.
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.

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5. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
6. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
7. Articles of extraordinary value.
8. Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.
9. Logs.

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.

(END OF APPENDIX A)

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