

Decision No. 88204 DEC 6 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EAGLE TRUCK)
LINES, INC., to sell, and RAMS)
EXPRESS to purchase, certain)
Certificates of Public Conven-) Application No. 57364
ience and Necessity of EAGLE) (Filed June 6, 1977)
TRUCK LINES, INC. pursuant to)
Section 851 of the Public)
Utilities Code.)

O P I N I O N

Eagle Truck Lines, Inc., a California corporation (seller), requests authority to sell and Rams Express, a California corporation, doing business as Pro Express (purchaser), requests authority to purchase and acquire certificates of public convenience and necessity authorizing operations as a highway common carrier. The certificates were granted by Decision 67838 dated September 15, 1964 in Application 44619 and Decision 76513 dated December 4, 1969 in Application 51504. These certificates authorize the transportation of general commodities with the usual exclusions (a) within the Los Angeles Basin Territory and between said Territory and San Diego and Escondido, and (b) over certain routes and also specific commodities over other routes in an area between San Francisco and Sacramento Territories and the California-Mexican Border.

Pursuant to an agreement between the applicants dated May 5, 1977, filed as Exhibit 1 to the application, seller agrees to sell to the buyer the certificates hereinabove identified for a total purchase price of \$10,000 which is to be paid upon the date of consummation and closing.

Purchaser presently holds highway carrier permit authority issued by this Commission. Its financial statement of February 28, 1977 shows net worth of \$337,608.

Seller is a party to Western Motor Tariff Bureau, Inc., Agent, tariff publications to provide rates and rules for operations

under the certificates to be transferred. Purchaser proposes to adopt the tariffs.

A copy of the application has been forwarded to the California Trucking Association and notice of the filing appeared in the Commission's Daily Calendar of June 8, 1977. No protests to the application have been received.

After consideration, the Commission finds that the proposed sale and transfer of the operating rights would not be adverse to the public interest and concludes that the proposed transaction 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 transfer is completed, the revocation of the certificates presently held by Eagle Truck Lines, Inc. and the issuance of an in-lieu certificate in appendix form to Rams Express, a California corporation. The new certificate issued to Rams Express will not broaden in any way the scope of operating authority held by Eagle Truck Lines, Inc.

Purchaser 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 a 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 value of the rights authorized to be transferred.

ORDER

IT IS ORDERED that:

1. On or before April 30, 1978, Eagle Truck Lines, Inc., a California corporation, may sell and transfer the operative authority referred to in the application to Rams Express, a California corporation, doing business as Pro Express.

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 ten days after the effective date of this order on not less than ten days' notice to the Commission and to 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 cancellation of the operating authority granted by this decision.

4. 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 Rams Express, doing business as Pro Express, 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.

5. The certificates of public convenience and necessity granted by Decisions 67838 and 76513 are revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Purchaser shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order 100-Series.

7. To the extent any duplication of rights may exist, by reason of the transfer herein authorized, such operative rights may not be separated to permit Rams Express to sell or transfer one certificate authority and retain another certificate authority.

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 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. Purchaser 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 the appropriate tariff filings as required by the General Order.

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

Dated at San Francisco, California, this 6th day of DECEMBER, 1977.

Robert Batminal
President
William Squous, Jr.
Vernon L. Sturgeon
Charles D. Howell
Paul T. DeBrie
Commissioners

RAMS EXPRESS
(a California corporation)
doing business as
PRO EXPRESS

Rams Express, a California corporation, doing business as Pro Express, 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 Los Angeles Basin Territory as described in Note A hereof.

Between all points and places in San Francisco Territory as described in Note B hereof.

- II Between all points and places on and within ten (10) statute miles laterally of the following routes, including points within a ten (10) statute mile radius of such points.
1. Between Sacramento Territory as described in Note C hereof and Los Angeles Basin Territory as described in Note A hereof via State Highway 99 to its junction with Interstate Highway 5 near Wheeler Ridge, thence via Interstate Highway 5.
 2. Between San Francisco Territory as described in Note B hereof and Los Angeles Basin Territory as described in Note A hereof via U.S. Highway 101.
 3. Between El Rio in Ventura County and Los Angeles Basin Territory as described in Note A hereof via State Highway 1.
 4. Between San Fernando and Ventura via Interstate Highway 5 to its junction with State Highway 126 at Castaic Junction thence via State Highway 126.
 5. Between the junction of State Highway 14 and Interstate Highway 5 near San Fernando, and the junction of State Highway 126 and Interstate Highway 5 near Saugus, including unnumbered county roads via the cities of Newhall and Saugus.

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6. State Highway 150 between Santa Paula and its junction with State Highway 33 approximately one (1) statute mile west of Ojai.
7. State Highway 33 between its junction with State Highway 150 and the City of Ventura.
8. State Highway 1 between Las Cruces and Pismo Beach
9. State Highway 1 between Buellton and Surf.
10. State Highway 156 between its junction with U.S. Highway 101 near San Juan Bautista and its junction with State Highway 152 near San Felipe.
11. State Highway 1 between Watsonville and Aptos limited to points on within six (6) statute miles laterally and radially of State Highway 1.
12. Between San Jose and Santa Cruz via State Highway 17, excluding intermediate points in Santa Cruz County.
13. Between Salinas and Monterey via State Highway 68 serving the off route points of Fort Ord, Pacific Grove, Carmel and Carmel Valley.
14. State Highway 25 between its junction with U.S. Highway 101 near Gilroy, and Hollister.
15. State Highway 65 between its junction with State Highway 99 near Bakersfield and its junction with State Highway 198 near Exeter.
16. State Highway 198 between its junction with State Highway 65 near Exeter and Lemoore.
17. State Highway 63 between Visalia and Oroshi.
18. Unnumbered highways known as Avenue 416, Road 80, Alta Avenue, Manning Avenue, Academy Avenue, and Shaw Avenue, between Oroshi and the junction of Shaw Avenue and State Highway 99 north of Fresno, via Dinuba, Reedley, Sanger, and Clovis.

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19. Between Hayward and Stockton via Interstate Highway 580 to its junction with Interstate Highway 205, thence via Interstate Highway 205 to its junction with Interstate Highway 5, thence via Interstate Highway 5.
 20. State Highway 120 between its junction with Interstate Highway 5 near Lathrop, and Manteca.
- III. Between all points and places on and within ten (10) statute miles laterally of the following routes, including points within a ten (10) statute miles radius of such points.
1. Between points and places in Los Angeles Basin Territory as described in Note A hereof, and San Ysidro.
 2. Between points and places in Los Angeles Basin Territory as described in Note A herein and San Diego via Interstate Highway 15.
 3. Between points and places in Los Angeles Basin Territory as described in Note A hereof and Beaumont, via Interstate Highway 10.

- IV Through routes and rates may be established between any and all points identified in I, II and III above.

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.

Lateral and Radial miles referred to in this appendix are statute miles of 5,280 feet each, measured in a straight line without regard to terrain features.

Carrier shall not transport any shipments having both origin and destination in the counties of Kern, Ventura or Santa Barbara.

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,

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- 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.
 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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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9. Class A and B Explosive shipments weighing less than 15,000 lbs., as described in Dangerous Articles and Explosives Tariff (California Regulations) American Trucking Associations, Inc., Agent, ATA 111-C, Cal.P.U.C. No. 13, Department of Transportation Regulations governing transportation of hazardous materials.

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; 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

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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 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 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

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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 C

SACRAMENTO TERRITORY

Sacramento Territory includes the City of Sacramento and all points and places within a radius of twenty (20) statute miles of the city limits of the City of Sacramento.

(END OF APPENDIX A)

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