

**ORIGINAL**

Decision No. 88376 JAN 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of ASSOCIATED FREIGHT LINES for )	
authority to sell a portion of )	
its operating authority as a )	Application No. 56660
highway common carrier; and of )	(Filed July 30, 1976)
SYSTEM 99 to purchase a portion )	
of the operating authority as a )	
highway common carrier of )	
ASSOCIATED FREIGHT LINES. )	

F I N A L O P I N I O N

By Decision 86462 dated October 5, 1976, in this proceeding, the Commission authorized System 99, a California corporation, to acquire a portion of the highway common carrier operating authority of Associated Freight Lines,<sup>1</sup> a California corporation. This certificated authority was granted by this Commission pursuant to Decision 56845 dated June 17, 1959 in Application 39896. It was acquired by Associated Freight Lines through merger, pursuant to Decision 80404 dated August 29, 1972 in Application 50526. It authorizes operations as a highway common carrier of general commodities generally between the city of San Bernardino on the one hand, and Nipton and Goffs, located in eastern San Bernardino County, and all points within 35 statute miles of an unnumbered highway between Nipton and Goffs, on the other hand.

Decision 86462 also authorized System 99 to lease the said operating rights pending the issuance of an enabling order of the Interstate Commerce Commission under Section 5 of the Interstate Commerce Act. That decision also provided that this Commission would, by subsequent order, issue an "in lieu" certificate in appendix form to System 99 reflecting the consolidation of its prior and newly acquired certificates.

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<sup>1</sup> By amendment of its Articles of Incorporation, Associated Freight Lines changed its name to Best Way Freight Lines of Arizona.

The restatement of the operating authorities herein neither broadens nor lessens the scope of the separate operating authorities heretofore granted. The effective date of this order should be the date on which it is signed since there is no reason to delay the disposition of this matter.

F I N A L O R D E R

1. A certificate of public convenience and necessity is granted to System 99, a California 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 of this decision.

2. In providing service pursuant to the authority granted by this order, System 99 shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, System 99 shall file a written acceptance of the certificate granted. System 99 is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, System 99 shall establish the authorized service and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.

- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) System 99 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.
- (f) System 99 shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall be in lieu of and supersede the highway common carrier certificates granted by Decision 56845 dated June 17, 1959 in Application 39896 and Decision 86102 dated July 13, 1976, in Application 54789, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of  
JANUARY, 1978.

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President  
*William S. Gannon, Jr.*  
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*Vernon L. Stricker*  
\_\_\_\_\_  
*Richard P. Crowder*  
\_\_\_\_\_  
*Clair T. Doolittle*  
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

System 99, by the certificate of public convenience and necessity granted by 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 following transportation:

1. GENERAL COMMODITIES, with exceptions hereinafter noted, between all points and places located on the highways or in the defined areas or territories hereinafter enumerated, including points and places located within the specified lateral distances of such enumerated highways, areas or territories, or located within the specified radius of the cities named: (See Note 1)

1. All points located in or within 25 miles of the San Francisco Territory as described in Note A.
2. All points located in or within 25 miles of the Los Angeles Basin Territory as described in Note B.
3. All points in the San Diego Territory as described in Note C.
4. All points located within a 25-mile radius of Blythe.
5. All points located within a 25-mile radius of Sacramento.
6. All points located within a 25-mile radius of Redding.
7. Between San Ysidro and San Diego via Interstate Highway 5, including points located within 20 miles laterally thereof.
8. Between San Diego and San Francisco Territory via Interstate Highway 5 to its junction with U.S. Highway 101 (at Los Angeles), thence via U.S. Highway 101, including points located within 25 miles laterally of said route.

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Decision 88376, Application 56660.

9. Between San Francisco Territory and Ukiah via U.S. Highway 101, including points located within 25 miles laterally thereof.
10. Between San Francisco Territory and Ukiah, on the one hand, and points located on or within 10 miles laterally of that portion of U.S. Highway 101 lying between Scotia and Arcata, inclusive, on the other hand.
11. Between Scotia and Arcata via U.S. Highway 101, including points located within 10 miles laterally thereof, subject to Restrictions #1 and #2.
12. Between Arcata and Alturas via State Highway 299, including points within 20 miles laterally thereof, subject to Restrictions #1 and #2.
13. Between Alturas and the California-Oregon State Line via U.S. Highway 395.
14. Between Bartle and the junction of State Highway 299 with State Highway 89 (northeast of Burney) via State Highway 89, including points located within 10 miles laterally thereof.
15. Between Los Angeles and Sacramento via Interstate Highway 5 to its junction with State Highway 99 (near Wheeler Ridge), thence via State Highway 99, including points located within 25 miles laterally of said route.
16. Between Sacramento and Redding (a) via Interstate Highway 80, State Highway 65, State Highway 20, State Highway 99 and Interstate Highway 5 (east route); and (b) via Interstate Highway 80, State Highway 113 and Interstate Highway 5 (west route), including points located within 20 miles laterally of said routes.
17. Between San Francisco and Stockton via Interstate Highway 80, Interstate Highway 580, Interstate Highway 205 and Interstate Highway 5, including points located within 25 miles laterally of said route.

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Decision 88376, Application 56660.

18. Between the junction of State Highway 4 with Interstate Highway 80 (near Pinole) and Stockton via State Highway 4, including points within 10 miles laterally thereof.
19. Between the junction of State Highway 4 with an unnumbered highway (north of Byron) and the junction of said unnumbered highway with Interstate Highway 580 (south of Bethany), including points located within 10 miles laterally of said unnumbered highway.
20. Between San Francisco and Roseville via Interstate Highway 80, including points located within 10 miles laterally thereof.
21. Between the junction of State Highway 99 with State Highway 162 (east of Richvale) and Pulga, via State Highway 162 to Oroville, thence via State Highway 70 to Pulga, including points located within 10 miles laterally of said route.
22. Between the junction of Interstate Highway 5 with State Highway 20 (near Williams) and Upper Lake via State Highway 20, including points within 3 miles laterally thereof.
23. Between Upper Lake and Middletown via State Highway 29 to its junction with State Highway 175; thence via State Highway 175, including points within 3 miles laterally of said route.
24. Between Middletown and the junction of State Highway 53 with State Highway 20 (near Clearlake Oaks) via State Highway 29 to its junction with State Highway 53 (near Lower Lake); thence via State Highway 53, including points located within 3 miles laterally of said route.
25. Between Los Angeles and San Bernardino via State Highway 11, thence via Interstate Highway 210, thence via State Highway 66 (formerly U.S. Highway 66), including points located with 25 miles laterally of said route.
26. Between Los Angeles Basin Territory and Blythe via Interstate Highway 10.

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Decision 88376, Application 56660.

27. Between Los Angeles Basin Territory and the Riverside-Imperial County Line via (a) State Highway 60, Interstate Highway 10 and State Highway 111; or (b) via State Highway 60, Interstate Highway 10 and State Highways 111 and 86.
28. Between all points within Imperial County lying west of State Highway 111 commencing at the Riverside County line (near Durmid); thence via State Highway 111 to its junction with State Highway 115 (at Calipatria); thence via State Highway 115 through Holtville to its junction with State Highway 98 (at Bonds Corner); thence due south along an imaginary line drawn from the junction of State Highways 115 and 98 to the International Boundary Line between the United States and Mexico; and including the easterly point of Glamis located on State Highway 78.
29. Between San Diego Territory and those points within the portion of Imperial County described in paragraph 28 above via Interstate Highway 8, including points within 5 miles laterally thereof.
30. Between all points in that portion of Imperial County which lie either north or west of the main All American Canal.
31. Between San Diego Territory and Escondido via Interstate Highway 15, including points located within 5 miles laterally thereof.
32. Between Escondido and the junction of State Highway 78 with Interstate Highway 5 (south of Oceanside), via State Highway 78, including points located within 5 miles laterally thereof.
33. Between Oceanside and Bonsall via State Highway 76, including points located within 5 miles laterally thereof.
34. Between Fallbrook and Vista via San Diego County Road S-13, including points located within 5 miles laterally thereof.

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Decision 88376, Application 56660.



35. Between Capistrano Beach and Montalvo via State Highway 1, including points located within 25 miles laterally thereof.
36. Between Nipton and Goffs, California, and all other points within 35 miles of that certain unnumbered highway between Nipton and Goffs via Ivanpah and Barnwell, California.
37. Between San Bernardino on the one hand and Nipton and Goffs, and all points on and within 35 miles of that certain unnumbered highway between Nipton and Goffs, via Ivanpah and Barnwell, on the other hand.
38. Between Nipton and Goffs and all points on and within 35 miles of that certain unnumbered highway between Nipton and Goffs, via Ivanpah and Barnwell, on the one hand, and points and places on Interstate Highway 15, Interstate Highway 40 and State Highway 66 (formerly U.S. Highway 66) between San Bernardino and Essex, on the other hand.
39. Between Nipton and Goffs and all points on and within 35 miles of that certain unnumbered highway between Nipton and Goffs via Ivanpah and Barnwell, on the one hand, and all points and places on Interstate Highway 15 between Barstow and the junction of Interstate Highway 15 and the Nipton Road (formerly known as Lakeview), on the other hand.

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

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums,

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Decision 88375, Application 56660.

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. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

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Decision 88376, Application 56660.

## II. MERCHANDISE for mail order houses and their retail stores, subject to Restriction #3: (See Note 1 under Paragraph I.)

BETWEEN:

1. Antioch, Auburn, Bakersfield, Chico, Coalinga, Concord, Corte Madera, Dunsmuir, Eureka, Fremont, Fresno, Gilroy, Grass Valley, Hanford, Healdsburg, Livermore, Lodi, Lompoc, Los Banos, Los Gatos, Madera, Martinez, Marysville, Merced, Mill Valley, Modesto, Petaluma, Pittsburg, Pomona, Porterville, Red Bluff, Redding, Riverside, Roseville, Sacramento, Salinas, San Diego, San Luis Obispo, San Rafael, Santa Ana, Santa Barbara, San Bernardino, Santa Cruz, Santa Rosa, Stockton, Taft, Tracy, Tulare, Turlock, Ukiah, Vacaville, Vallejo, Monterey, Ventura, Napa, Visalia, National City, Walnut Creek, Oroville, Watsonville, Oxnard, Woodland, Paso Robles, Yreka; and
2. Points within the San Francisco Territory; and
3. Points within the Los Angeles Territory as described in Note D; and
4. Points located within fifty (50) miles of Oakland.

## III. FRESH FRUITS AND VEGETABLES in shipments weighing 5,000 pounds or more: (See Note 1 under Paragraph I.)

FROM:

1. The Los Angeles Territory as described in Note D;
2. San Diego and all points located within a 25-mile radius thereof;
3. All points on State Highway 86 between Indio and El Centro, inclusive, including points located within 25 miles laterally of said highway;
4. All points on Interstate Highway 10 within Los Angeles Territory and between said territory and Redlands, inclusive, including points within 25 miles laterally of said highway;
5. All points located between Ventura and Perris, inclusive, on State Highway 126 to its junction with Interstate Highway 5, on Interstate Highway 5.

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Decision 88376, Application 56660.

to its junction with State Highway 60; on State Highway 60 to its junction with U.S. Highway 395, and on U.S. Highway 395, including all points located within 25 miles laterally of said highways; and

6. All points on State Highway 99 between Bakersfield and Fresno, inclusive, including points located within 25 miles laterally of said highway;

TO: San Francisco, Oakland, Alameda, San Leandro and Richmond.

- IV. LUMBER AND FOREST PRODUCTS as described under the generic heading of "LUMBER GROUP" in National Motor Freight Classification NMF 100-D, supplements thereto or successive issues thereof: (See Note 1 under Paragraph I.)

Between all points on and within 15 miles laterally of U.S. Highway 101 between Eureka and the California-Oregon State Line, inclusive.

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 as restricted below:

Restriction #1: No local service is authorized between points located on U.S. Highway 101 between Trinidad and Scotia, inclusive, and points laterally adjacent to said highway, on the one hand, and on the other hand, points located on State Highway 299 from its junction with U.S. Highway 101 (near Arcata) to and including Willow Creek, and points laterally adjacent to said highway.

Restriction #2 No service is authorized at points located on State Highway 96 north of Willow Creek, or at points on State Highway 36 between Forest Glen and the junction of said State Highway 36 with U.S. Highway 101 (at Alton), or at points located laterally from said state highways.

Restriction #3: Carrier shall not transport commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail

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Decision 88376, Application 56660.

customers to retail stores or retail store warehouses, when such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight. Further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer.

## 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; 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

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Decision 88376, Application 56660.

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 B

## 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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Decision 88376, Application 56660.

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 C

## 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.

## NOTE D

## LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof to the

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Decision 88376, Application 56660.

west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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Decision 88375, Application 56660.