

Decision No. 79715

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of LOWELL FREIGHT LINES, INC., )  
for a certificate of public con- )  
venience and necessity authorizing )  
the transportation, as a highway )  
common carrier, of specified com- )  
modities between various points )  
within California. )

Application No. 53010  
(Filed November 19, 1971)

O P I N I O N

Applicant Lowell Freight Lines, Inc., is a corporation organized and existing under the laws of the State of California. It now operates under authority of radial highway common carrier and highway contract carrier permits, which authorize the transportation of general commodities, with the usual exceptions, between all points in California.

Applicant has applied for a certificate of public convenience and necessity, authorizing operations as a highway common carrier, for the transportation of bakery goods; candy; confectionery; cooking oil; printing ink; auto parts and accessories; television, radio, stereo sets and parts; suspension ceiling grid systems; and certain paper, plastic and cellulose articles between points and over various routes with lateral rights as set forth in Appendices A, B and C, attached hereto.

Applicant will provide service on Monday through Friday, with same-day or overnight service depending upon when the goods

to be delivered are received. The rates to be assessed will be on the same level as those contained in the Commission's Minimum Rate Tariff 2 and other applicable minimum rate tariffs, and service will be exclusively in intrastate commerce.

Applicant's operating equipment includes 1 pickup, 2 van trucks and 1 bobtail stake truck, 14 tractors and 33 trailers. Applicant's Balance Sheet as of June 30, 1971, shows total assets of \$150,644, current liabilities of \$64,978 and net income of \$10,128 for the first six months of 1971. Gross freight revenue is \$404,020 and expenses for the period total \$390,691. It is alleged that certain shippers applicant has served for periods from 10 to 27 years have demanded an extension of service as requested herein, in view of a determination by members of the Commission staff that applicant may be operating beyond its permitted authority.

Copies of the application were mailed to thirteen large northern California carriers and to the California Trucking Association office in Burlingame. Notice of the filing of this application was also published in the Commission Calendar on November 22, 1971. No protests have been received.

Upon consideration of the evidence the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted.
3. Public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Applicant is hereby 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 over a particular route. 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. A certificate of public convenience and necessity is granted to Lowell Freight Lines, Inc., a 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 particularly set forth in Appendices A, B, and C attached hereto and made a part hereof.
2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.
  - (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of 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 hereof, applicant shall establish the service herein authorized and 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 service herein authorized.
- (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-A.
- (e) Applicant 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 March 31 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) Applicant 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.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of FEBRUARY, 1972.

William Aguon Jr. Chairman  
[Signature]  
Thomas L. Sturgeon  
[Signature] Commissioners

Commissioner J. P. Wukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Lowell Freight Lines, Inc., a corporation, 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 specified commodities as follows:

A. Bakery Goods:

BETWEEN OAKLAND, on the one hand, and on the other hand, all points on or within 50 miles of points on the following routes:

1. Interstate Highway 5 and State Highway 99, between Redding and Los Angeles, inclusive;
2. Interstate Highway 5 and U.S. Highway 101, between Santa Rosa and San Diego, inclusive;
3. Interstate Highway 80, between Oakland and Sacramento, inclusive;
4. Interstate Highway 580 and U.S. Highway 50 between Oakland and Sacramento, inclusive;
5. State Highway 33, between junction with U.S. Highway 50, near Tracy, and Ventura, inclusive;
6. State Highway 17, between San Jose and Santa Cruz, inclusive;
7. State Highway 65, between Exeter and junction with State Highway 99, near Bakersfield, inclusive;
8. State Highway 4, between Pinole and Stockton, inclusive;
9. Interstate Highway 15 and U.S. Highway 395, between San Bernardino and San Diego, inclusive.

Issued by California Public Utilities Commission.

Decision No. 79715, Application No. 53010.

## B. Bakery Goods

Cooking Oil  
 Printing Ink  
 Auto Parts and Accessories  
 Radio, Television, Stereo Sets and Parts  
 Suspension Ceiling Grid Systems

## Plastic Articles, viz.:

Film or Sheeting  
 Bags  
 Trays  
 Plastic Articles, NOI

## Paper Articles, viz.:

Pan Liners  
 Baking Cups  
 Doilies  
 Boxes and Cartons  
 Bags  
 Corrugated Paper  
 Pulpboard or Fiberboard  
 Covers, Fillers, Wrappers  
 or Partitions

## Cellulose Articles, viz.:

Film or Sheeting      Bags      Trays

BETWEEN all points on or within 10 miles of the following points  
 subject to RESTRICTION set forth in No. 8 below:

1. Points in the San Francisco Territory as described in Appendix B, attached hereto;
2. Points in the Los Angeles Basin Territory as described in Appendix C, attached hereto;
3. Points on State Highway 99, between Sacramento and Los Angeles, inclusive;
4. Points on U. S. Highway 101 and Interstate Highway 5, between San Francisco and San Diego, inclusive;
5. Points on Interstate Highway 80, between San Francisco and Sacramento, inclusive;
6. Points on State Highway 4, between Pinole and Stockton, inclusive;
7. Points on Interstate Highway 580 and U. S. Highway 50, between Oakland and Stockton, inclusive;
8. RESTRICTION: Service shall not be provided under this authority:
  - a) Between points in the Los Angeles Basin Territory;
  - b) For the transportation of plastic or cellulose film or sheeting from WOODLAND.

Issued by California Public Utilities Commission.

Decision No. 79715, Application No. 53010.

C. Candy or Confectionery:

BETWEEN Oakland, on the one hand, and, on the other hand,  
all points on and within 10 miles of the points on the routes  
named in subparagraphs B-1 through B-7 above.

In providing the above-described service, Lowell Freight Lines,  
Inc., shall be authorized to use any and all roads, streets, highways and  
bridges necessary or convenient to provide the transportation authorized.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 79715, Application No. 53010.



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 boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point one mile west of U. S. Highway 101; southerly along an imaginary line one mile west of and paralleling U. S. Highway 101 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 E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; north-easterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue, easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; Harbord Drive and 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; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestly along the highway extending from 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 shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

Decision No. 79715, Application No. 53010.

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 No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; north-easterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; south-easterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwardly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwardly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestwardly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 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.

(END OF APPENDIX C)

Issued by California Public Utilities Commission.

Decision No. 79715, Application No. 53010.