

Decision 82 08 055 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RIGHT O WAY, INC.,)	
to operate as common carrier, in)	Application 61146
intrastate commerce, transporting)	(Filed December 18, 1981)
General Commodities, within the)	
State of California.)	

O P I N I O N

Right O Way, Inc. (ROW) has applied for a highway common carrier certificate to operate between any and all points in California. ROW is a New Jersey corporation authorized to do business in California.

A balance sheet (as of June 30, 1981) submitted with the application shows assets of approximately \$3,000,000, of which nearly half is physical property and equipment carried at depreciated cost. Its stockholder's equity is over \$1,000,000, mostly retained earnings. In the first six months of 1981, its retained earnings increased by over \$250,000 on a gross revenue of slightly over \$9,000,000. Its equipment list includes six vans, two tractors, and an assortment of flatbed trailers.

We have been informed that applicant now has a Los Angeles terminal and plans to have two more, one in the San Francisco Bay Area and another at an unspecified location in central California.

Its Los Angeles terminal is presently engaged in what appears to be an interstate air freight forwarding operation. Applicant has presented several shipper-support letters which indicate a need for additional carriers on the major routes between the San Francisco Bay Area, Los Angeles, and San Diego.

Some of these shippers also claim to have occasional shipments destined to other unspecified California points. There is no evidence to suggest that such shipments could not be interlined. Consequently, we will not issue full statewide authority. Instead ROW will be limited to service between San Diego, Los Angeles, and San Francisco and nearby cities, the points for which some showing of shipper need was submitted.

Notice of the filing appeared in the Commission's Daily Calendar of December 28, 1981. California Trucking Association is aware of the filing. No protests have been received. There is no reason to believe that any carrier would protest if served.

Findings of Fact

1. Public convenience and necessity require that ROW serve as a highway common carrier between all points in Los Angeles Basin, San Diego, and San Francisco territories, and all points within 20 miles of the usual routes between those territories.

2. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be issued.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Right O Way, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Public Utilities Code § 213, between the points and over the routes listed in Appendix A.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and make tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 80, 100, 104, and 147, and the California Highway Patrol Safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

- f. Comply with General Order Series 84 (collect-on-delivery shipments).
If applicant elects not to transport collect-on-delivery shipments, it shall file the tariffs required by that General Order.

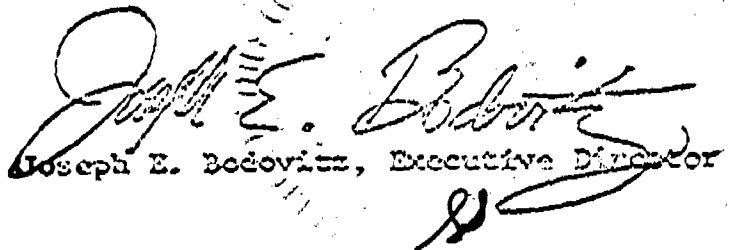
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR CALVO
PERCILLA C. GREW
COMMISSIONERS

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bedovitz, Executive Director

Appendix A

RIGHT O WAY, INC.
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Right O Way, 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 Public Utilities Code Section 213 for the transportation of general commodities as follows:

- I. Between all points in the following territories via any and all highways and roads.
 - a. San Francisco Territory as described in Note A.
 - b. Los Angeles Basin Territory as described in Note B.
 - c. San Diego Territory as described in Note C.
- II. Between all points and places on and within 20 statute miles of the following routes:
 - a. U.S. Highway 101 between San Francisco and its junction with Interstate Highway 5 in Los Angeles, inclusive.
 - b. State Highway 99 between Stockton and its junction with Interstate Highway 5 at Wheeler Ridge, inclusive.
 - c. Interstate Highway 5 between its junction with Interstate Highway 580 near Vernalis and the California-Mexico Border near San Ysidro, inclusive.

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- d. State Highway 1 between its junction with U.S. Highway 101 near El Rio (Ventura County) and its junction with Interstate Highway 5 near San Juan Capistrano.
- e. Interstate Highway 10 between its junction with Interstate Highway 5 at Los Angeles and its junction with Interstate 15-E near Colton; via Interstate Highway 15-E and 15 to San Diego, inclusive.
- f. Interstate Highway 580 between San Francisco and its junction with Interstate Highway 205 near Mountain House, via Interstate Highway 205 to its junction with Interstate Highway 5 near Banta; via Interstate Highway 5 to its junction with State Highway 120 near Lathrop; via State Highway 120 to its junction with State Highway 99 near Manteca, inclusive.
- g. Interstate Highway 580 between its junction with Interstate Highway 205 near Mountain House and its junction with Interstate Highway 5 near Vernalis.
- h. State Highway 4 between its junction with Interstate Highway 80 near Pinole and its junction with State Highway 99 at Stockton, inclusive.

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Between all points in Paragraph I and Paragraph II.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.

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10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. Any commodity, the transportation or handling of which, because of width, length, height, weight, shape, or size, requires special authority from a governmental agency regulating the use of highways, roads, or streets.
14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

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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; easterly along that 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 Company right-of-way to the Campbell-Los Gatos city limits; easterly along the city limits and their prolongation 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 its prolongation 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

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NOTE A (Cont'd)

SAN FRANCISCO TERRITORY (Continued)

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 the 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 the waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning.

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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; northeasterly along the 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 the 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 Interstate Highway 15 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along the corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along the 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 Interstate Highway 15; southerly along Interstate Highway 15 to the Riverside County-San Diego County boundary line; westerly along the boundary line to the Orange County-San Diego County boundary line; southerly along the 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.

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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 Interstate Highway 15; following an imaginary line running southeasterly to Lakeside on State Highway 67; southerly on County Road S-17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; due south following an imaginary line to the California-Mexican boundary line; westerly along the boundary line to the Pacific Ocean and north along the shoreline to the point of beginning.

(END OF APPENDIX A)

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