

ORIGINAL

Decision No. 87251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ARTHUR R. ALTNOW, doing business as )  
 LODI TRUCK SERVICE, for an extension )  
 of its certificate of public )  
 convenience and necessity as a high- )  
 way common carrier. )

Application No. 56549  
 (Filed June 10, 1976;  
 amended September 20, 1976)

O P I N I O N

Applicant operates pursuant to a highway common carrier certificate which authorizes the transportation of general commodities, with the usual exceptions, between points and places within, and along routes between, the San Francisco, Sacramento, Los Angeles, and Oceanside areas. The authority is set forth in Appendix A of Decision No. 60322 dated June 28, 1960 in Application No. 41446, as amended by Decision No. 63690 dated May 14, 1962 in Application No. 44313 and Decision No. 72578 dated June 9, 1967 in Application No. 49319. He also operates in intrastate commerce pursuant to highway permit carrier authority and a petroleum irregular route certificate and in interstate and foreign commerce pursuant to authority issued by the Interstate Commerce Commission.

By this application, as amended, applicant seeks certificated authority for the transportation of commodities requiring special refrigeration or temperature control in specially designed and constructed refrigerated equipment between all points in California and also an extension of his present highway common carrier certificate to include service along various routes to and including Eureka, Redding, Auburn, Placerville, Sonora, San Clemente, and San Ysidro. The sought authority includes a restriction that refrigerated

shipments and all shipments originating at and/or destined to points within the requested extended areas shall be subject to a minimum weight of 10,000 pounds, with the exception that shipments originating at and/or destined to the points between San Rafael and Eureka on U. S. Highway 101 within the sought extension shall be subject to a minimum weight of 20,000 pounds. The application was protested by Containerfreight Transportation. With the further restriction to the sought authority in applicant's letter of December 28, 1976 that shipments in ocean containers and empty ocean containers having a prior or subsequent movement by water shall not be transported to, from, or between points south of San Clemente on Interstate Highway 5 and all points and places within 20 miles of this route, Containerfreight Transportation withdrew its protest. There are no other protestants. A copy of the application has been filed with the Interstate Commerce Commission pursuant to Section 206(a)(6) of the Interstate Commerce Act, and notice thereof appeared in the Federal Register on July 1, 1976.

The application states as follows: Applicant has been operating into the sought extended areas and performing refrigerated service under its permitted authority. It has been experiencing a continual growth and demand for this service, particularly with respect to shipments of 10,000 pounds or more or rated as such. Many of applicant's present customers are tendering shipments moving to points both within and beyond its present territory. The granting of the application would permit applicant to perform split-pickup and delivery service between points in its present and proposed areas. There is an ever-increasing need for temperature control service throughout the state, and there are very few carriers who offer this service. Applicant's reason for proposing the weight limitations on shipments from or to the proposed extended areas is that it does not have terminal facilities or personnel in these areas to perform a less-than-truckload operation with pickup and delivery equipment here.

Furthermore, there are numerous less-than-truckload carriers in the extended areas but relatively few highway common carriers performing service for shipments of 10,000 pounds or more therein. Also, to provide a statewide less-than-truckload refrigeration service would require a substantial investment which would not return sufficient revenues to offset the expenses for such service. Applicant will provide the same quality of highway common carrier service in the sought areas that it now provides in its present area. The need for the sought additional service applies to both intrastate and interstate commerce. Applicant has the necessary equipment, personnel, terminal facilities, and financial ability to provide the proposed service and will add any additional facilities and personnel that may be necessary. As of December 31, 1975, Lodi Truck Service and its affiliated company, LTS Rentals, a corporation, had assets of \$1,400,362, liabilities of \$833,343, and a proprietor's equity of \$567,019, and they had a net income, after income taxes, of \$32,975.

The application was served in accordance with the Commission's procedural rules, and it was listed on the Commission's Daily Calendar.

We are of the opinion that the application, as amended on September 20, 1976, and as further amended by applicant's letter of December 28, 1976, should be granted. An in lieu certificate setting forth both applicant's present certificated authority and that granted herein will be issued, and the certificate granted to him by Decision No. 60322, as amended by Decisions Nos. 63690 and 72578, will be canceled.

Findings

1. Applicant has the experience, equipment, and financial ability to provide the proposed service.

2. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that the applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by this decision.

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

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

Applicant 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. A certificate of public convenience and necessity is granted to Arthur R. Altnow, doing business as Lodi Truck Service, authorizing him 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. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 60322, as amended by Decisions Nos. 63690 and 72578, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b).

3. In providing service pursuant to the authority granted by this order, applicant 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, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he 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, applicant 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) Applicant shall maintain his 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 his 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, he 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 26<sup>th</sup> day of APRIL, 1977.

Robert Bakewell  
President  
William J. ...  
... ..  
... ..

Commissioners

Arthur R. Altnow, an individual, doing business as Lodi Truck Service, 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 between the points and over the routes as follows:

- A. Between all points in the following Territories:
  - 1. San Francisco Territory as described in Note A hereof.
  - 2. Los Angeles Basin Territory as described in Note B hereof.
  
- B. Between all points on and within twenty (20) statute miles of the following routes:
  - 1. Between Woodland and Redding via Interstate Highway 5.
  - 2. Between San Francisco and Los Angeles, inclusive; via U. S. Highway 101; or State Highway 82 to its intersection with U. S. Highway 101 near San Jose; thence via U. S. Highway 101; or U. S. Highway 101 to its junction with State Highway 1 near Montalvo; thence via State Highway 1.
  - 3. Between Sacramento and all points within 20 statute miles thereof, and Los Angeles via State Highway 99 to its intersection with Interstate Highway 5 at Wheeler Ridge; thence via Interstate Highway 5.
  - 4. Between San Francisco and Sacramento via Interstate Highway 80.

Issued by California Public Utilities Commission.

Decision 87251, Application 56549.

5. Between San Francisco and Stockton via Interstate Highway 80 to its intersection with Interstate Highway 580; thence via Interstate Highway 580 to its intersection with Interstate Highway 205; thence via Interstate Highway 205 to its intersection with Interstate Highway 5.
6. Between San Francisco and Sacramento; via Interstate Highway 80 to its intersection with Interstate Highway 580; thence via Interstate Highway 580 to its intersection with State Highway 24; thence via State Highway 24 to its intersection with State Highway 4 near Pacheco; thence via State Highway 4 to its intersection with State Highway 160 near Antioch.
7. Between San Francisco and Burson, inclusive; via Interstate 80 to its intersection with State Highway 12 near Cordelia; thence via State Highway 12.
8. State Highway 4 between its intersection with Interstate Highway 80 near Pinole, and Stockton, inclusive.
9. State Highway 33 between its intersection with Interstate Highway 205 (Business) near Tracy, and Mendota, inclusive.
10. U. S. Highway 101 between San Rafael and Eureka, inclusive.
11. State Highway 108 between the intersection of State Highway 120 and 108, and Sonora, inclusive.
12. Interstate Highway 80 between Roseville and Auburn, inclusive.
13. U. S. Highway 50 between Rancho Cordova and Placerville, inclusive.
14. State Highway 99 between Sacramento and Red Bluff, inclusive.

Issued by California Public Utilities Commission.

Decision 87251, Application 56549.



ARTHUR R. ALTNOW  
(an individual)  
doing business as  
LODI TRUCK SERVICE

15. State Highway 140 between Gustine and Merced, inclusive.
16. State Highway 152 between Gilroy and Los Banos, inclusive.
17. Interstate Highway 5 between San Clemente and San Ysidro, inclusive.

Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment between all points in California subject to a minimum weight of 10,000 pounds or shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds; and on shipments originating at or destined to points on Route 10 above, subject to a minimum weight of 20,000 pounds or shall be billed at charges no less than those applicable to shipments of at least 20,000 pounds.

- C. Service is authorized between any two points included in Paragraph A and B above or between any point in Paragraph A and any point in Paragraph B.

Shipments originating at and/or destined to points on or within Routes 1, 11, 12, 13, 14 and 17 above shall be subject to a minimum weight of 10,000 pounds or shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds, with the exception that shipments originating at or destined to points on or within Route 10 above shall be subject to a minimum weight of 20,000 pounds or shall be billed at charges no less than those applicable to shipments of at least 20,000 pounds.

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.

The carrier shall not transport any shipments of the following:

1. Used household goods, personal effects and office, store and institution furniture,

Issued by California Public Utilities Commission.  
Decision 87251, Application 56549.

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.
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. Articles of extraordinary value.
8. Fresh or green fruits, fresh or green vegetables, or mushrooms, when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, pre-cooling plant, or winery.

Issued by California Public Utilities Commission.

Decision 87251, Application 56549.

9. Metal cans other than flattened, except when there is a prior movement by rail, water, or motor carrier.
10. Metal can tops, bottoms or ends when moving in mixed shipments with metal cans, other than flattened, except when there is a prior or subsequent movement by rail, water, or motor carrier.
11. Shipments in ocean containers, and empty ocean containers, having a prior or subsequent movement by water, moving to, from or between points south of San Clemente on Interstate Highway 5 and all points and places within 20 statute miles of said route.
12. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
13. Logs.
14. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
15. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.

## 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

Issued by California Public Utilities Commission.

Decision 87251, Application 56549.

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 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;

Issued by California Public Utilities Commission.

Decision 87251, Application 56549.

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 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.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 87251, Application 56549.