

Decision No. 88062 NOV 1 1977**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DITTO FREIGHT LINES, a California
corporation, for an extension of
its certificate of public
convenience and necessity to
operate as a highway common carrier.

Application No. 56796
(Filed October 6, 1976;
amended April 1, 1977)

O P I N I O N

Applicant is presently engaged in the transportation of general commodities, with the usual exceptions, between points in an area extending from San Jose and San Francisco, on the north, to Paso Robles and Bakersfield, on the south, and limited commodities between San Francisco and Santa Rosa. Applicant holds a certificate of registration issued to it by the Interstate Commerce Commission in Docket No. MC-69454 and also operates under a radial highway common carrier permit.

Applicant applied herein for an extension of its service area to include Eureka and Redding on the north, Placerville, Sonora, and Highway 99 down to Bakersfield on the east; south of Paso Robles and Bakersfield on Highways 101 and 5 to the Los Angeles area, then south on Highway 5 to San Diego and the Mexican border. Applicant requests authority to serve the proposed area in interstate commerce and has filed a copy of its application with the Interstate Commerce Commission under Section 206(a)(6) of the Interstate Commerce Act. Notice of publication appeared in the Federal Register on December 2, 1976. Protests were filed by Containerfreight Transportation Co., City Freight Lines, Delta Lines, Inc., and BayView Trucking, Inc. All opposition withdrew when applicant filed an Amendment to Application on April 1, 1977. The amendment limited the proposed extension of authority as follows:

1. Service shall be limited to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds.
2. No local service shall be performed between any points lying south of the northern boundary line of San Luis Obispo, Kern, and San Bernardino Counties, except carrier may transport shipments beginning and ending at points within Kern County only.
3. Service shall be restricted against the transportation of commodities moving in ocean containers, and empty ocean containers, between points in the San Francisco Territory, on the one hand, and, on the other, San Diego and points in the Los Angeles Basin Territory.

The proposed operation will be daily, Monday through Friday; upon request, special service will be provided on other days of the week. Time in transit will be both same-day and overnight, depending upon the character of the traffic, length of hauls, and scheduling of pickups. Applicant proposes to establish rates, rules, and regulations on the same level as those in the Commission's minimum rate tariffs to be included in the appropriate common carrier tariffs published by Pacific Motor Tariff Bureau, Inc. Applicant's operating equipment includes 32 2-axle tractors, 11 3-axle tractors, 268 trailers of various types, 2 pickup trucks, and 5 cars. Applicant's balance sheet as of August 31, 1976 shows total assets of \$327,863, current liabilities of \$224,355, and long-term obligations totaling \$40,049. Applicant's statement of earnings for the 8 months ending on August 31, 1976 indicates total revenue of \$1,149,247, total expense of \$1,113,369, and a net profit of \$35,878.

It is alleged that applicant is hauling to distant points with increasing frequency and its shippers have requested that all service be performed as a certificated carrier. The mixed operations have prevented applicant from offering split pickup and split delivery services between points in its certificated and permitted

areas. It is further alleged that applicant will be hauling and billing on the basis of a 10,000-pound minimum load, which should not be competitive to most other carriers operating in the area it seeks to serve.

Findings

1. Applicant has the experience, equipment, personnel, and financial resources to institute and maintain 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, as amended, and also require that 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. Applicant's present and proposed authority will be consolidated as an in lieu certificate.

Ditto Freight Lines 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.

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

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Ditto Freight Lines, 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 set forth in Appendix A of this decision.

2. 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 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, 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 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) 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.

3. 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. 84665, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 10th day of NOVEMBER, 1977.

Robert Bateman
President
William Aguirre, Jr.
Vernon L. Stutzman
Richard D. Howell
Clare J. Dedrick
Commissioners

Ditto Freight Lines, 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:

I. GENERAL COMMODITIES:

- A. Between all points and places in the San Francisco Territory, as described in Note A, including all points and places located within 15 statute miles of the boundary of said territory.
- B. Between all points and places, inclusively, on or within 15 statute miles laterally of the following routes:
 1. U. S. Highway 101 between San Jose and Paso Robles;
 2. State Highway 17 between San Jose and Santa Cruz;
 3. State Highway 1 between Santa Cruz and Monterey;
 4. State Highway 68 between Salinas and Monterey;
 5. Interstate Highway 80 between San Francisco and Sacramento;
 6. Interstate Highway 580 between San Francisco and its junction with Interstate Highway 205, thence via Interstate Highway 205 to its junction with Interstate Highway 5, via Interstate Highway 5 to Stockton, and thence State Highway 99 to Sacramento;
 7. State Highway 4 between its junction with Interstate Highway 80, near Pinole, and Stockton;
 8. State Highway 24 between Oakland and Walnut Creek and between Walnut Creek and its junction with State Highway 4, near the U. S. Naval Weapons Station, Concord; from said junction via State Highway 4 to its junction with State Highway 160, near Oakley and State Highway 160 between said junction and Sacramento;

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9. State Highway 33 between Tracy and Gustine;
10. State Highway 99 between Sacramento and Bakersfield;
11. State Highway 120 between the Mossdale Wye and Manteca;
12. State Highway 132 between Vernalis and Modesto;
13. State Highway 140 between Gustine and Merced;
14. State Highway 152 between Gilroy and Califa;
15. Interstate Highway 5 between Stockton and its junction with State Highway 58;
16. State Highway 198 between its junction with U. S. Highway 101 and its junction with State Highway 99; and
17. State Highway 46 between its junction with U. S. Highway 101 at Paso Robles and its junction with State Highway 99.

C. Through routes and rates may be established between any and all points designated in Part I.

II. GENERAL COMMODITIES, subject to the restrictions shown hereunder:

- A. Between all points on or within 15 statute miles laterally of the following routes:
 1. U. S. Highway 101 between Eureka and San Jose.
 2. U. S. Highway 101 between Paso Robles and Los Angeles Basin Territory.
 3. Interstate Highway 5 between Redding and Stockton.
 4. Interstate Highway 5 between its junction with State Highway 58 (near Buttonwillow) and San Ysidro.
 5. State Highway 99 between Red Bluff and Sacramento.

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6. State Highway 99 between Bakersfield and its junction with Interstate Highway 5 (near Wheeler Ridge).
7. State Highway 65 between Roseville and Marysville, inclusive.
8. U. S. Highway 50 between Sacramento and Placerville, inclusive.
9. State Highway 49 between Placerville and Sonora, inclusive.
10. State Highway 108 between Modesto and Sonora, inclusive.

RESTRICTIONS:

1. Service destined to or originating at points and places located on the routes specified in Paragraph II hereof or within the designated 15 statute miles laterally thereof, shall be limited to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds.
2. No local service shall be performed between any points specified in Paragraph II lying south of the northern boundary line of San Luis Obispo, Kern and San Bernardino Counties, except carrier may transport shipments beginning and ending at points within Kern County.
3. Service shall be restricted against the transportation of commodities moving in ocean containers and empty containers, between points in San Francisco Territory, on the one hand, and, on the other, San Diego and points in the Los Angeles Basin Territory.

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Pursuant to the authority granted in Paragraphs I and II above, carrier shall not transport any shipments of:

- (a) 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, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
- (f) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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- (g) Logs.
- (h) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
- (i) Fresh fruits and vegetables.

III. Conduits, pipe, smokestacks, tubing or fittings, other than clay, concrete or earthen: Flour: Grain products: Glass; Glassware; Iron or Steel; Paper: Paper articles; Plumbers goods, or bathroom or lavatory fixtures.

A. Between all points and places on or within 15 statute miles laterally of the following route:

. U. S. Highway 101 between San Francisco and Santa Rosa, inclusive.

B. Through routes and rates may be established between any and all points designated in Parts I and III.

IV. 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.

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;

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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 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; 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

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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)

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