

ORIGINAL

Decision 93509 SEP 1 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of JOHN E. SCHULZ, doing )  
 business as FREEDOM FREIGHTWAYS, )  
 for a certificate of public )  
 convenience and necessity to )  
 operate as a highway common )  
 carrier for the transportation )  
 of general commodities, with )  
 certain exceptions, in intrastate )  
 commerce between points in )  
 California. )

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Application 60483  
(Filed April 27, 1981)

O P I N I O N

John E. Schulz, doing business as Freedom Freightways, requests authority pursuant to Public Utilities (PU) Code Sections 1063 et seq. to operate as a highway common carrier for the transportation of general commodities with certain exceptions between all major points within the State of California.

Applicant's terminal facilities are located in the City of Glendale. In addition to his own motor vehicle equipment consisting of a 1979 International truck, applicant proposes to lease motor vehicles. Subhaulers will be used to augment applicant's own and leased equipment.

The proposed service would be daily Monday through Friday and Saturday upon request. Sundays and holidays are **excepted**. As of April 12, 1981 applicant indicated a net worth of \$11,683.

As justification for the authority sought, applicant alleges that during the past 15 years he has been engaged as an owner-operator

in interstate commerce transporting commodities exempt from regulation under Section 10526 of the Interstate Commerce Act, and within territories exempt from regulation under Section 10523 of the Interstate Commerce Act; that he has received, and continues to receive from the same shippers for whom he transports the aforementioned interstate movements, numerous requests for the transportation of general commodities, involving movements in intrastate commerce within the State of California, including those areas he presently serves as an exempt interstate carrier; and that granting of the requested authority will enable him to expand his intrastate operations to meet the continuing and anticipated needs of his shippers.

Notice of the filing of the application appeared in the Commission's Daily Calendar of April 29, 1981, and a copy of the application was served on the California Trucking Association. No protest has been received. ✓

Findings of Fact

1. Applicant is presently conducting operations in interstate commerce transporting commodities and serving within areas that are exempt from regulation by the Interstate Commerce Act.
2. Applicant has received numerous requests for the transportation of general commodities, involving movements in intrastate commerce within the the State of California from the same shippers for whom he transports interstate shipments.
3. Applicant possesses the necessary experience, facilities, equipment, and financial ability to provide service as a certificated carrier.
4. Notice of the application appeared in the Commission's Daily Calendar of April 29, 1981, and a copy of the application was served upon the California Trucking Association. No protest has been received.

5. Public convenience and necessity require applicant's service as a highway common carrier for the transportation of commodities moving in intrastate commerce between points within the proposed area. A public hearing is not necessary.

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

7. The following order complies with the Commission's Energy Efficiency Plan.

Conclusion of Law

The application should be granted.

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 applicant John E. Schulz authorizing him to operate as a highway common carrier, as defined in PU Code Section 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 his 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, and 104, 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, he shall file the tariffs required by that General Order.

This order becomes effective 30 days from today.

Dated SEP 1 1981, at San Francisco, California.

John E. Boyer  
President  
Richard D. Goodley  
James W. Givens  
Walter R. ...  
Phyllis C. ...  
Commissioners

Appendix A

J. E. SCHULZ  
(an individual)  
doing business as  
FREEDOM FREIGHTWAYS

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J. E. Schulz 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 as follows:

A. Between all points and places in Los Angeles Basin Territory as described in Note A.

B. Between all points and places on or within 25 statute miles of the following described routes.

1. Interstate Highway 5 between Redding and San Ysidro.
2. State Highway 99 between Red Bluff and Wheeler Ridge.
3. U.S. Highway 101 between Crescent City and Los Angeles.
4. Interstate Highway 10 between Los Angeles and Indio.
5. Interstate Highway 80 between San Francisco and Truckee.
6. Interstate Highway 580 between Oakland and its intersection with Interstate Highway 5 near Westley.

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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 semi-plastic 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.

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. Transportation of 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 in any motor vehicle or combination of vehicles.
14. Transportation of liquid or semi-solid waste, or any other bulk liquid commodity in any vacuum type tank truck or trailer.

Appendix A

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NOTE A

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 &

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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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