

Decision No. 29567

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of (1) William  
Kayser dba K & L Truck Line )  
For Certificate of public )  
convenience and necessity )  
to operate (2) Highway )  
Common Carrier service )  
between Crescent City, Calif. )  
and Calif-Oregon State Line )  
U.S. Highway 199; and Crescent )  
City, Calif. and Calif-Oregon )  
State Line U.S. Highway 101. )

Application No. 20986

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

By this application William Kayser, operating under the name and style of K & L Truck Line, requests authority to establish a service as a highway common carrier of freight between Crescent City, California, and the California-Oregon State Line via U. S. Highway 199 and also between Crescent City, California and the California-Oregon State Line via U. S. Highway 101 serving intermediate points on both routes and proposes to operate one round trip daily, including Sunday, between the points and over both the routes for which authority is sought.

Applicant alleges that there are no highway common carriers now serving between the points proposed and that the various communities along this route, over which applicant now operates as a mail carrier, are wholly dependent upon and require daily truck service to obtain necessary supplies and goods for inhabitants thereof.

The Commission has received a number of letters from tradespeople and citizens of points along the above mentioned routes attesting to these facts and requesting that applicant herein be granted the authority sought.

George S. Butler, operating the Butler Truck Service under certificate between Eureka and Crescent City, who had previously complained of the alleged illegal operations of Mr. Kayser, has indicated in writing to the Commission that he would not protest the granting of the instant authority. Pacific Greyhound Lines, transporting passengers and baggage between some of the points involved, have through their Mr. T. Finkbohner indicated no desire to question the granting of this certificate ex parte.

In view of these circumstances it appears that a public hearing in this matter is not necessary and that Mr. Kayser should be granted the necessary authority to serve the people of the communities along the routes heretofore set forth. The application will be granted.

William Kayser, operating under the name and style of K & L Truck Line, is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require  
the establishment by William Kayser, operating under the name  
and style of K & L Truck Line, of an automotive service as a  
highway common carrier, as such is defined in Section 2-3/4  
of the Public Utilities Act, between Crescent City, California,  
and the California-Oregon State Line and all intermediate points,  
over and along the following routes:

1. Between Crescent City and California-Oregon State  
Line via U. S. Highway No. 199 serving as inter-  
mediate points Gasquet, Patrick Creek and Idlewild.
2. Between Crescent City and California-Oregon State  
Line via U. S. Highway No. 101 serving as inter-  
mediate points Fort Dick, Smith River, Chateau  
Lodge, Mathews Service Station and White Rock Auto  
Park.

IT IS HEREBY ORDERED that a certificate of public con-  
venience and necessity therefor be, and the same is, hereby  
granted to William Kayser, operating under the name and style of  
K & L Truck Line, subject to the following conditions:

1. Applicant shall file a written acceptance of the  
certificate herein granted within a period of not to  
exceed fifteen (15) days from date hereof.
2. Applicant shall commence the service herein  
authorized within a period of not to exceed thirty (30)  
days from the effective date hereof, and shall file in  
triplicate and concurrently make effective on not less  
than ten days' notice to the Railroad Commission and  
the public a tariff or tariffs constructed in accordance  
with the requirements of the Commission's General Orders  
and containing rates and rules which in volume and effect,  
shall be identical with the rates and rules shown in the  
exhibit attached to the application in so far as they  
conform to the certificate herein granted, or rates and  
rules satisfactory to the Railroad Commission.
3. Applicant shall file, in duplicate, and make  
effective within a period of not to exceed thirty (30)  
days after the effective date of this order, on not less  
than five days' notice to the Railroad Commission and  
the public, time schedules covering the service herein  
authorized in a form satisfactory to the Railroad  
Commission.

4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

For all other purposes the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 1<sup>st</sup> day of March, 1937.

W. H. ...  
Leon ...  
Frank ...  
Robert ...  
Ray & ...  
COMMISSIONERS