

Decision No. 37887

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
MARIN-SONOMA FAST FREIGHT, a corpo-)
ration, for an extension of its)
highway common carrier operative)
rights to include points intermediate)
between Santa Rosa and Healdsburg and)
north of Healdsburg to the junction)
of U.S. Highway 101 and Skaggs Springs)
Road.)

Application No. 26263

BY THE COMMISSION:

O P I N I O N

Marin-Sonoma Fast Freight, the applicant, is a highway common carrier engaged in the transportation of property between San Francisco, on the one hand, and points in Marin and Sonoma Counties, on the other hand. Said operative rights authorize a highway common carrier service, in part, between San Francisco and Healdsburg over U.S. Highway 101, with the right to serve all intermediate points along said route except points intermediate between Santa Rosa and Healdsburg.

The amended application which we are here considering seeks to extend the present operative rights to include all points located on U.S. Highway 101 intermediate between Santa Rosa and Healdsburg, including the off-route points of Fulton Army Air Field and West Windsor, and also all points located on U.S. Highway 101 intermediate between Healdsburg and the junction of U.S. Highway 101 with Skaggs Springs Road.

It is alleged in the application that, aside from the service rendered by Pacific Motor Trucking Company between Santa Rosa

(1) Its present ownership resulted from various transfers pursuant to Decisions Nos. 32224, 34067 and 36445.

and Healdsburg; there is no highway common carrier service available to and from the points which applicant proposes to serve.

That was true as to the service rendered at the time this application was filed. However, it should be noted that since such filing the Commission has granted a certificate to Pioneer Express Company (formerly C. S. McLenegan and Harold M. Hays) authorizing service as a highway common carrier

"between San Francisco and Santa Rosa and intermediate points, on the one hand, and points between the northern boundary of Santa Rosa and the northern boundary of Willits including Redwood Valley and Talmadge, on the other hand; and, between Santa Rosa and Willits and intermediate points including Redwood Valley and Talmadge, restricted exclusively to the loadings of Intercity Transport Lines, Inc., an express corporation, as defined in Section 2(k) of the Public Utilities Act." (2)

Applicant has filed with the Commission a stipulation on behalf of Intercity Transport Lines, Inc., C. S. McLenegan, Harold M. Hays and Pioneer Express Company to the effect that neither of said carriers will protest the granting of the instant application. The stipulation also contains this paragraph:

"Marin-Sonoma Fast Freight hereby agrees that it will not urge the operating authority which may be granted pursuant to said Amended Application No. 26263 as a reason for extending service to any points north of the northern terminus of said operating authority."

The Commission, of course, cannot be bound by a private agreement of this character between the parties which, in its observance, might have the effect of prejudicing an applicant's rights. The stipulation will be accepted, therefore, only as a notice of waiver of protest by the parties thereto.

(2) Decision No. 37763, dated March 26, 1945, in Application No. 20138.

Applicant maintains terminals at San Francisco, San Rafael, Petaluma, Santa Rosa and Healdsburg, and has available the facilities required for the additional service here proposed.

Giving due consideration to this matter, we are of the opinion that the service which applicant proposes to render is in the public interest, and the application will therefore be granted. A public hearing is not necessary.

Marin-Sonoma Fast Freight is hereby placed upon 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, 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

Application having been made as above entitled and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Marin-Sonoma Fast Freight authorizing it to operate a highway common carrier service, as defined in Section 2-3/4 of the Public Utilities Act, serving all points located on U. S. Highway 101 intermediate between Santa Rosa and Healdsburg including

the off-route points of Fulton Army Air Field and the town of West Windsor, and all points located on U. S. Highway 101 intermediate between Healdsburg and the junction of U. S. Highway 101 with the Skaggs Springs Road, said operative rights to constitute an extension and enlargement of applicant's existing operative rights and to be consolidated therewith.

(2) That in providing service pursuant to the certificate herein granted the following service regulations shall be complied with:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the most appropriate route or routes between the points herein authorized to be served.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th
day of May, 1945.

David C. Quinn
James B. Coghlan
Richard T. Ketchum
Frank W. Cron
James H. Sull
COMMISSIONERS