

ORIGINAL

Decision No. 39036

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. W. WAY for an in lieu certificate)
of public convenience and necessity) Application No. 27412
clarifying existing highway common)
carrier operative rights.)

O P I N I O N

A. W. Way presently provides a highway common carrier service between San Francisco, South San Francisco, Oakland and Santa Rosa, on the one hand, and Eureka and Arcata, on the other hand, and certain intermediate points, subject to certain restrictions as more particularly set forth in Decisions Nos. 27694 and 38742, in Application No. 19612. He also provides a local service between Eureka and Ferndale and intermediate points.

By the above entitled application, applicant requests that the Commission issue to him a new certificate of public convenience and necessity in the place and stead of, and embodying the certificates and operative rights which he now holds. It is alleged that applicant's existing highway common carrier operative rights are not defined in as clear a manner as desirable and a new certificate is sought in order to clarify such rights and to restate them in a more simple form. There is no proposal to expand or extend the operative rights now held nor to change rates, charges or classifications.

This does not appear to be a matter which requires public hearing. After full consideration of applicant's request, the Commission finds that the application should be granted.

ORDER

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to A. V. Way, authorizing operations as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between South San Francisco; San Francisco; Oakland, Petaluma, Santa Rosa, Willits and all points Willits to Arcata (both inclusive) including Garberville, Scotia, Alton, Ferndale, Fernbridge, Fortuna and Eureka, for the transportation of the following named commodities and subject to the following limitations as to specific points:

- a. From South San Francisco, San Francisco, to Garberville, Arcata and all intermediate points, including Eureka, Loleta, Ferndale, Fernbridge, Fortuna, Alton and Scotia, cream, butter, all cheese, eggs (except hatching eggs), meat and meat products (edible, except canned goods), edible oils, draught beer, fresh vegetables, fresh fruits, dressed poultry.
To South San Francisco, San Francisco from Garberville, Arcata and all intermediate points including Eureka, Loleta, Ferndale, Fernbridge, Fortuna, Alton and Scotia, cream, butter, all cheese, eggs (except hatching eggs), fresh vegetables and fresh fruit.
- b. From South San Francisco, San Francisco to Willits, meat and meat products (edible, except canned goods), edible oils.
To South San Francisco, San Francisco from Arcata and Eureka, meat and meat products (edible, except canned goods).
- c. From Santa Rosa to Eureka and Fernbridge, eggs (except hatching eggs), draught beer, dressed poultry.
To Santa Rosa from Eureka and Fernbridge, eggs (except hatching eggs), dressed poultry, cream, butter, all cheese.
- d. From Petaluma to Eureka, eggs (except hatching eggs), dressed poultry.
To Petaluma from Eureka, eggs (except hatching eggs).

- e. From Arcata, Eureka, Ferndale, Fernbridge, and Scotia to Santa Rosa Oakland, San Francisco, South San Francisco, fresh meat.

(2) That the foregoing certificate is not granted in addition to applicant's present operative rights but in the place and stead thereof, and all highway common carrier operative rights now held by applicant, including those created by Decision No. 27694, dated January 21, 1935; and Decision No. 38742, dated March 5, 1946, are hereby revoked and annulled.

(3) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Applicant shall conduct highway common carrier operations pursuant to the certificate herein granted over and along the following routes:

Over and along U. S. Highway 101 between Arcata and South San Francisco, serving Ferndale by diversion over the public highway from Fernbridge; over U. S. Highway 50 between San Francisco and Oakland; over an alternate route between San Rafael and Oakland via the San Rafael-Richmond Ferry and U. S. Highway 40.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 5th day of June, 1946.

Harold Lindner
Justus F. Green
Harold Hill
Harold Hill
 COMMISSIONERS