

Decision No. 43423

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Frank C. Winans and Grant A. Winans
 doing business as Winans Brothers,
 and related Applications, for certi-
 ficates of public convenience and
 necessity to operate as highway common
 carriers for the transportation of
 lumber and forest products over described
 routes and between specified points in
 northern California.

Applications Nos. 29621
 29680
 29762
 29792
 29793
 29892
 29936
 29965

APPEARANCES

Marvin Handler for Winans Brothers, Hawkey Lumber Transporta-
 tion, and Butler Freight Service, applicants, and for
 Hawkey Lumber Transportation and Butler Freight Service
 protestants in part, in Application No. 29793; Frank
Loughran and Willard Johnson for ZLS Trucking, Yreka
Western Railroad Company, and American Stevedore Company;
Clair MacLeod for Bostwick Lumber Transportation and
Rochlitz Bros., Inc., applicants.

E. L. Van Dellen and John L. Amos, Jr. for Western Pacific
 Railroad Company, Sacramento Northern Railway, Quincy
 Railroad Company, McCloud River Railroad, Almanor
 Railroad Company and Feather River Railway Company;
William Meinhold and Charles W. Burkett, Jr., for Southern
 Pacific Company and Northwestern Pacific Railroad;
Walter C. Roff for Burney Transportation Company; Barr
 and Hammond, by Dwight Barr and Harry A. Hammond for
 Klamath River Freight Line; Melvin O. Pinkham for
 Humboldt Motor Stages, protestants.

J. C. Orłowski for McCloud River Railroad; Marquon C. George
 for Redding-Eureka Freight Lines, interested parties.

O P I N I O N

(1)

In this consolidated proceeding eight applicants seek

(1) The application numbers and names of applicants follow with
 the shortened title in parenthesis by which they will be re-
 ferred to in this opinion.

- A. 29621, Frank C. Winans and Grant A. Winans, doing business
 as Winans Brothers (Winans)
- A. 29680, Milton W. Zamboni, William D. Lightfoot, and Jack E.
 Shaver, doing business as ZLS Trucking (ZLS)
- A. 29762, Donald H. Hawkey, doing business as Hawkey Lumber
 Transportation (Hawkey)

(Continued on Page 2)

certificates of public convenience and necessity to operate as highway common carriers, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of lumber and forest products between certain specified points in northern California.

Public hearings were held before Examiner R. K. Hunter at San Francisco on January 25, 26 and 27, at Redding on February 1; Yreka on February 10; Eureka on March 15, and a final hearing at San Francisco on April 5, 1949, at which time, after oral argument, the applications were submitted.

Winans, Hawkey, Bostwick, Rochlitz and American propose service between specified points embraced within the area extending from the California-Oregon State Line on the north to Salinas and Modesto on the south with certain exceptions and restrictions. The routes proposed include the principal north-south and east-west highways with 20- and 35-mile laterals in the northern area and 10-mile laterals in the southern area. These five applicants presently operate generally within the area described above under radial and contract carrier permits.

ZLS, presently operating a certificated highway common carrier service to the east and northeast of Redding and Red Bluff, and holding authority to operate elsewhere as a permitted carrier, proposes service to the territory extending to the west, northwest,

(1) (Continued from Page 1)

- A. 29792, William Bostwick, doing business as Bostwick Lumber Transportation (Bostwick)
- A. 29793, Rochlitz Bros., Inc. (Rochlitz)
- A. 29892, Yreka Western Railroad (Yreka Western)
- A. 29936, George S. Butler and Marjorie E. Butler doing business as Butler Freight Service (Butler)
- A. 29965, American Stevedore Co., a corporation. (American)

and north of those cities along U. S. Highways 99 and 299, State Highway 36, and certain unnumbered county roads with a 5 mile lateral.

Yreka Western, presently operating a highway common carrier service between Yreka and Callahan, proposes service between the former city and Happy Camp via U. S. Highway 99 and State Highway 96 with a 5 mile lateral.

Butler, presently operating a highway common carrier service between Eureka and Crescent City via U. S. Highway 101, and laterally from this highway and north of Crescent City as a permitted carrier, proposes to extend its service to the California-Oregon State Line and requests a 15 mile lateral for both present and proposed routes.

Because of the characteristics of lumber hauling all applicants propose an on-call service as distinguished from a scheduled service.

Certain protests were made to the granting of all or specific parts of the applications. They will be briefly summarized in the following six paragraphs.

The Southern Pacific Company and Northwestern Pacific Railroad had no objection to authority being granted to haul lumber to and/or from off-highway and off-rail points but did protest the granting of authority to haul between points served by rail.

Western Pacific Railroad Company, Sacramento Northern Railway, Quincy Railroad Company, McCloud River Railroad, Almanor Railroad Company, and Feather River Railway Company protested the granting of the applications insofar as points of origin and territory served by them are concerned.

The Burney Transportation Company, presently holding a certificate authorizing operation as a highway common carrier of forest products between Canyon Creek, Burney, Pondosa and Nubieber via U. S. Highway 299 and State Highway 89, protested the granting of any additional certificates authorizing similar operations over and along its authorized route. The certificate held by this protestant does not expressly grant authority to serve any area lateral to its route, except for the area within a radius of one mile of Canyon Creek and Burney.

Klamath River Freight Lines, presently holding a certificate of public convenience and necessity authorizing operation as a highway common carrier between Yreka and Orleans via U. S. Highway 99 and State Highway 96, protested the granting of any new certificates authorizing the performance of additional service over this route. The certificate held by this protestant grants authority to serve the territories embraced within the area 5 miles laterally of its present route.

Humboldt Motor Stages, holder of a certificate of public convenience and necessity authorizing operation as a passenger stage corporation handling baggage and express, and as a highway common carrier handling all commodities between Eureka and Forks of Salmon via U. S. Highways 101 and 299, State Highway 96 and an unnumbered county road, protested the granting of any certificates authorizing highway common carrier operation for lumber hauling over this route. The certificate held by this protestant does

not expressly authorize service to any area lateral to its route.

Applicant Butler, holding a certificate and permits as previously described, and Applicant Hawkey, presently a permitted carrier, protested the granting of authority to Rochlitz to operate as a highway common carrier for the hauling of lumber and forest products having both origin and destination between the California-Oregon State Line, and Eureka (inclusive), on U. S. Highway 101, and lateral territory.

There are two primary questions involved in this consolidated proceeding. First, whether this type of operation is subject to regulation under the Highway Carriers' Act or under the Public Utilities Act. The second question depends on the conclusion as to the first. If it should be found that these operations, as presently conducted, are properly those of permitted carriers, then our inquiry is at an end; but if it is found that said operations are within the jurisdiction of the Public Utilities Act, it becomes necessary to determine whether public convenience and necessity require the certification of such operations.

One applicant is a certificated highway common carrier. Two hold both certificates and permits. Five hold permits only. The applicants holding permits frankly stated they were doubtful as to the status of their operations. As shown by the evidence several of these carriers started operations in a very small way,

e.g. with one truck, serving a very limited number of customers with little regularity. As the lumber business grew and more lumber and forest products were offered for shipment by more and more shippers, the size of the carriers' fleets of trucks and the territory and number of shippers served increased, and the service between certain points and over particular routes took on a high degree of regularity.

It is difficult to determine at just what point in the growth of operations, such as these, they cease to come within the provisions of the Highway Carriers' Act and become subject to the Public Utilities Act. All of the applicants holding permits freely admitted they were uncertain on this point and therefor were desirous of having the matter clarified so that this service, so necessary to the lumber industry, might be lawfully continued.

The evidence shows that the mills are in fixed locations at which they remain for at least several years. The points of destination, including yards and construction projects, are likewise generally fixed points. Transportation between these fixed locations is conducted, for the most part, over the highways and county roads of this State. The inevitable result, with the continued growth of the lumber business, has been operation between fixed termini and

over regular routes. From the evidence adduced we are of the opinion, and so conclude, that generally speaking the transportation of lumber and forest products as conducted and as proposed by the applicants herein properly comes within the provisions of the Public Utilities Act and that where it is shown by the evidence to be required by public convenience and necessity the operation as highway common carriers under certificates issued by this Commission should be authorized.

In view of the foregoing conclusion it now becomes necessary to determine between what points, over what routes and to which applicants the evidence introduced supports the granting of certificates of public convenience and necessity.

The location of saw mills and lumber mills in the areas involved was established by an exhibit⁽²⁾ and oral testimony. Some of these mills are located on the principal highways. However, due to the increasing demand for lumber it has become necessary to go farther and farther into the timber growing areas, as a result of which many mills have found it necessary or desirable to locate at points a considerable distance from the principal highways. New timber stand areas are being opened for logging operations in national forests as well as on privately owned land which are at even greater distances from the principal existing highways.

In the consuming territory, the evidence shows that many construction jobs requiring substantial quantities of lumber and many retail and wholesale lumber yards are located at both off-rail

(2) Exhibit No. 9.

and off-principal-highway points. A ten mile lateral appears to be sufficient to encompass these points.

It is our conclusion that the need for rights to serve territory lateral to the principal highways covered by the applications herein is amply supported by the evidence. No useful purpose would be served by analyzing this part of the evidence in minute detail.

A large number of exhibits were introduced showing the points of origin and destination between which lumber has been hauled in the past. This was supplemented and supported by the oral testimony of some 39 public witnesses and by the operating officials of the eight applicants. This evidence supported the need for service of the character proposed by these applicants between the points specified and over the routes described in the applications together with the lateral rights requested. However, as outlined earlier, in this opinion, certain protests as to particular areas and as to certain applicants were made. These will be dealt with individually in the succeeding paragraphs.

The protests of the railroads have been heretofore described. They introduced evidence showing the points and shippers served by them, the facilities for handling lumber traffic and the volume of lumber transported between certain points. They produced no public witnesses. Many of the applicants' public witnesses presently served by rail testified that even though rail services were available they would still require truck service to handle shipments needing expedited handling or overnight delivery, and to meet the situation resulting when car shortages occur. Statements were made by counsel for protestant railroads that car shortages were a thing of the past but no evidence was introduced in support

of this statement. It is our conclusion after reviewing the record that the evidence shows applicants should be authorized to operate within the area served by rail and between rail points.

In connection with the protest of Burney Transportation Company previously described, the owner testified that he holds a certificate authorizing operations between Burney, Pondosa and Nubieber; that he hauls lumber for two mills to railhead at Pondosa; that he has not hauled any lumber to Nubieber for several years; and that he believes that the traffic is of such small volume that the certificating of any additional carrier or carriers is not required. No evidence was introduced as to the volume of his business or the actual earnings of his company. On cross examination⁽³⁾ it was brought out that the five applicants proposing certificated service to the territory in question are presently free to haul lumber to, from and within this protestants certificated territory and route to the extent authorized by the Highway Carriers Act. Burney Transportation Company holds no specific authority under its certificate to serve territory lateral to its present route, nor has it applied for permission to do so. The applicants herein propose serving territory lying laterally 20 and 35 miles therefrom. Presently these applicants are actually serving, as permitted carriers, existing off-route mills located within the proposed lateral territory. The off-route mills require service and are dependent upon trucks therefor. It is our conclusion that evidence of record shows that the proposed service within and adjacent to the area under consideration here is required by public convenience and necessity and should be authorized.

(3) Winans, Hawkey, Bostwick, Rochlitz and American.

With respect to the protest of Fred H. Tufts, doing business as the Klamath River Freight Line, the record shows that protestant has been conducting, since April 1, 1948, what is essentially a less-than-truck-load freight service between Yreka, and Hornbrook, and points on State Highway 96 along the Klamath River; that he holds a certificate authorizing this operation as far as Orleans as a highway common carrier; that the certificate is without restriction as to commodities; that he holds authority under the certificate to serve the territory five miles on either side of his authorized route; that he has not previously participated in the hauling of truck loads of lumber from points on said route; that as of the date of the hearing at Yreka he owned no lumber trucks but probably could secure them if necessary under lease from permitted carriers or by purchase; that he has not previously solicited truck load lumber shipments nor has he been offered them; and that his tariff did not contain lumber commodity rates prior to January 12, 1949.⁽⁴⁾

The superintendent of the Yreka Western testified that approximately 14,000,000 feet, board measure, of lumber originating on or in the vicinity of State Highway 96 were received by that Company at Yreka from permitted carriers during 1948; that several lumber or saw mills are located on or within a five-mile lateral of State Highway 96 between its junction with U. S. Highway 99 and Happy Camp; that a so-called sustained or perpetual yield program was being considered for this area by the U. S. Forest Service and mill operators; and that his company would establish a service between Yreka and Happy Camp similar to that being provided by it

(4) The new page of Klamath River Freight Line tariff publishing these rates was issued December 10, 1948, effective January 12, 1949, which dates are subsequent to the filing of the applications herein covering this area.

between Yreka and the Scott's Valley points of Etna, Greenview and Ft. Jones.

Five public witnesses testified on behalf of applicant, Yreka Western, and another five witnesses testified for protestant Tufts. They described the location of the various mills and the stands of timber along State Highway 96. Some of the mills are situated immediately adjacent to the highway while others are off the highway varying distances up to 5 miles. There are large stands of timber located at various points along and adjacent to the highway which are presently being cut or which are being opened up by the U. S. Forest Service and by private interests and are therefore potential sources of supply. The testimony indicated that the production of lumber in this area would continue and probably increase in volume within the reasonably foreseeable future.

Only contract, radial, and proprietary truck carriers had actually hauled truck load shipments of lumber during the period immediately preceding the hearing at Yreka. Several witnesses testified that they believed highway common carrier service was desirable and that they would use such service if it were established. Some believed it would prove beneficial to lumber shippers both as to rates and service. Others testified that they believed adequate service was being furnished by the permitted carriers. It is our opinion after carefully considering the evidence that this important lumber producing area of the Klamath River Valley, along State Highway 96, should have available to it adequate highway common carrier service.

While the Klamath River Freight Line holds authority to provide this service it had not done so up to the time of the

hearing and had not published the requisite lumber rates until after the applications herein had been filed with this Commission. It is our conclusion, therefore, that its protest against the granting of additional certificates comes too late. This conclusion, however, does not preclude protestant from participating in the lumber movement in the future if it so desires.

It is our conclusion that public convenience and necessity require the establishment of additional highway common carrier service in this area for the transportation of lumber and forest products. The question of whether only one or all of the four applications requesting permission to serve this area should be granted presents little difficulty. At the present time at least three of the applicants are in a position to render the type of service authorized by the Highway Carriers Act. The service proposed by all four is on an "on call" basis. Therefore, the granting of all four applications to serve this area is not likely to result in the establishment of too much service. In addition, those carriers proposing service in the vicinity of the lower reaches to State Highway 96 around Forks of Salmon and Hoopa, to be dealt with subsequently herein, should not be precluded from using this route of egress from that area. It is our conclusion that the proposed services should be authorized.

Protestant, Humboldt Motor Stages, Inc., holds a certificate authorizing operation as a passenger stage corporation and highway common carrier between Eureka and Forks of Salmon, via U. S. Highways 101 and 299, State Highway 96, and an unnumbered county road via Willow Creek, Weitchpec and Somes Bar but holds no lateral rights other than within limited pick-up and delivery

zones outlined in its tariff which generally are the city limits of any incorporated city or town and within one mile of the post office or center of an unincorporated town. Lumber and Forest Products commodity rates are carried in its tariff. This operator protested the granting of additional certificates for the hauling of lumber along this route.

A representative of this protestant appeared at the Eureka hearing and testified that his company had operated within the territory under consideration for about 18 years; that it owns four diesel tractors and three semi-trailers used for hauling general commodities but which are suitable for lumber, although two pieces were not licensed last year (1948); that his company has not been transporting lumber to any great extent during 1948; that it had stopped hauling mainly because of non-payment of freight charges; that it was his impression that most of the lumber moved from the producing region along his route directly into the San Francisco Bay Area via truck; that he was not aware of any lumber moving out of Forks of Salmon; and that his company serves this point mostly with a combination freight and passenger vehicle. No public witnesses were called on behalf of this protestant.

Testimony and exhibits introduced by one of the applicants showed a substantial movement of lumber from this territory into the Eureka-Arcata and Redding areas, with smaller quantities to other points. Public witness testimony showed expected production of 1,000,000 board feet by one mill and 15,000,000 board feet by another with anticipated further substantial increases in volume.

A representative from the U. S. Forest Service testified that it is the U. S. Government's plan to use or make available for

logging trees of proper age and size in the national forests; that there are large stands of timber along State Highway 96 which will probably be opened up for cutting within the near future; that the movement from these sources could flow eastward toward Yreka or westward toward Eureka.

There was also testimony showing that there is a tendency for mills in the interest of economy to locate nearer the source of supply of logs and for small mills to locate as near as possible to the site where the timber is being cut.

It is our conclusion, after carefully reviewing the evidence, that public convenience and necessity require the establishment of the highway common carrier service for the transportation of lumber, proposed by applicants herein, along State Highway 96 with lateral rights sufficiently broad to enable the carriers to adequately serve the areas presently developed, such as Forks of Salmon, and those areas likely to be opened up within the near future.

Applicants Butler and Hawkey protested the application of Rochlitz insofar as authority is sought to carry lumber having both origin and destination on U. S. Highway 101 and territory within a 10 mile lateral thereof between Eureka and the California-Oregon State Line, on the grounds that Rochlitz has never operated between those points; that Butler is already certificated to serve this highway between Eureka and Crescent City and has applied herein, although subsequently to Rochlitz, for authority to extend his certificated operation to the Oregon Line and for a 15 mile lateral; that Hawkey has been serving this route as a permitted carrier, that no public witnesses appeared on behalf of Rochlitz; and that there is no need for additional service.

The record shows that counsel for Butler also represented Hawkey but no protest was made to the latter's request to serve this territory. As mentioned Hawkey has previously served the area in question. It must be emphasized that this is not a proceeding to establish "grandfather" rights but to ascertain whether public convenience and necessity require the granting of the applications herein. These eight applications were consolidated for the taking of evidence and for decision. During the hearings it was plain that all applicants in order to avoid prolonging the hearings with repetitive and cumulative testimony, to some degree, relied on the statements of public witnesses irrespective of who called them as well as on the evidence of prior operations of other applicants to show the extent of public need for service. It was clearly indicated that the exhibits introduced to show such operations were not for the purpose of establishing anything which could be considered as a "grandfather" right but for the avowed purpose of showing the extent and volume of lumber hauling and where highway common carrier service for the transportation of lumber was required. Previous operation was not the sole evidence introduced to show this public need. Much testimony by many public witnesses as to the requirements of the shippers and receivers of lumber was heard. Therefore, it would not be equitable to any applicant to rely exclusively on prior operations to determine the extent to which certificates should be granted.

To follow such a course as suggested in the protest of Butler and Hawkey would bring about a result which would be far from desirable from the viewpoint of service to the lumber shipping public, because if each individual applicant was granted a certificate covering only the area previously served it would result in

each of the applicants being considerably restricted in at least a part of the territory for which authority is sought. Such a restricted service, in our opinion, would fall far short of fulfilling the requirements of public need.

As to the area involved in the protest of Butler and Hawkey, the evidence shows a very substantial movement of lumber; the likelihood of the increase and growth of that traffic; and that those presently serving the area are required to use equipment in addition to what they own to meet the demand. It is our conclusion after carefully considering the evidence that public convenience and necessity require the certificating of the other applicants as well as Butler and Hawkey. However, certain restrictions with respect to the area under consideration were voluntarily proposed by certain applicants. These restrictions will be outlined in detail in the Order.

Considerable testimony was introduced on behalf of applicants as to the rates proposed to be established. Between points of origin and points of destination shown on the Commission's constructive mileage map rates will be based on the established constructive mileage and the established minimums, with certain exceptions as authorized by the Commission to meet competitive rail rates between points having rail service. As to points not located on the Commission's mileage tables and maps, the mileages will be predicated on road and other conditions as reflected by the actual experience of the carriers. In some instances actual highway mileage will be used; in others, a constructive mileage to compensate for the actual conditions encountered. Between certain points rates currently established and charged by applicants will be continued.

When possible through rates will be established. In order to meet rail competitive rates between points served by rail and to establish the proposed rates based upon the shortest constructive mileages established by the Commission relief from the provisions of Section 24(a) of the Public Utilities Act and Article XII, Section 21, of the Constitution of the State of California was requested. This should be authorized.

Winans, by virtue of Decision No. 42666 in Application No. 30100, was authorized to establish a rate less than the established minimum but not less than 32 cents per 100 pounds, minimum weight 40,000 pounds per shipment, on seasoned cedar lumber from the mill of Elkins Sawmill, Incorporated, situated on U. S. Highway 99 about one and one-half miles north of Anderson, to the plant of Hudson Lumber Company, San Leandro, which rate shall expire one (1) year after April 1, 1949, unless sooner canceled, changed or extended by order of the Commission. The other applicants requested authority to meet this rate. Winans will be authorized to publish this rate in the manner required by the Commission. Any certificated carrier will be in a position to meet this rate under the Commission's existing rules and regulations.

The record in this hearing clearly indicates the growth of the lumber industry in this state and the resulting increase in the service of the carriers that have specialized in the hauling of its products. The evidence also shows that the applicants herein are now holding themselves out to provide transportation for a large segment of the public needing this type of service, and that in doing so they are operating with an increasing degree of regularity between fixed termini and/or over regular routes.

It is our conclusion, after a careful consideration of the testimony and evidence submitted in this proceeding, and we so find, that public convenience and necessity require the granting of the applications herein for authority to operate as highway common carriers for the transportation of lumber and forest products to the extent set forth in the order.

All applicants herein are 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

Applications as above entitled having been filed, public hearings having been held thereon, and based on the conclusions and findings set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity authorizing operation as a highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, is hereby granted to each of the following, for the transportation of lumber and forest products as defined in Highway Carriers Tariff No. 2, and corrections or reissues thereof, between the points and over the routes hereinafter specified:

(a) To Frank C. Winans and Grant A. Winans:

1. Over U. S. Highways 99, 99W and 99E between California-Oregon State Line and Modesto,
2. Over U. S. Highway 97 between California-Oregon State Line and U. S. Highway 99,
3. Over State Highway 96 between U. S. Highways 99 and 299,
4. Over an unnumbered highway between Callahan and Towerhouse,
5. Over State Highway 89 between U. S. Highway, 99 and State Highway 44,
6. Over U. S. Highway 299 between U. S. Highway 101 and Alturas,
7. Over State Highway 44 between U. S. Highway 99 and State Highway 89,
8. Over State Highway 36 to a point approximately one mile northeasterly of Westwood thence over an unnumbered road, between U. S. Highway 101 and Westwood,
9. Over U. S. Highway 101 between its junctions with U. S. Highway 299 and State Highway 36,
10. Over U. S. Highway 40 between Sacramento and San Francisco,
11. Over U. S. Highway 50 between Stockton and San Francisco,
12. Over U. S. Highway 101 and 101 By-pass between Santa Rosa and San Jose,
13. Over State Highway 12 between U. S. Highway 40 and Napa,
14. Over State Highways 48 and 37 via Sears Point between U. S. Highways 40 and 101,
15. Over State Highway 17 between Oakland and San Jose,
16. Over an unnumbered road via San Francisco Bay Toll Bridge between State Highway 17 and U. S. Highway 101,
17. With the right to serve points adjacent to the above routes located within the following laterals:
 - (a) 35 miles, north of Corning and Vina,
 - (b) 10 miles, south of Corning and Vina,
18. Serving all intermediate points,
19. Subject to the following restrictions:
 - (a) No local service between points south of Woodland
 - (b) No service between Montague, Callahan and intermediate points,
 - (c) No service between points on U. S. Highway 101 north of Alton and San Francisco Bay points,
 - (d) No service to or from points on U. S. Highway 199,
 - (e) No service to or from points on U. S. Highway 101 north of its junction with U. S. Highway 299.

(b) To Milton W. Zamboni, William D. Lightfoot, and Jack E. Shaver, as an extension of and to be consolidated within their presently certificated operations,

1. Over U. S. Highway 99 between Vollmers and Redding,
2. Over U. S. Highway 299 between Salyer and Redding,
3. Over State Highway 36 between Forest Glenn and Red Bluff, and
4. Over unnumbered roads between,
 - (a) Trinity Center and Vollmers,
 - (b) Trinity Center and Weaverville,
 - (c) Trinity Center and Towerhouse,
 - (d) Minersville and U. S. Highway 299,
 - (e) Leiston and French Gulch,
 - (f) Douglas City and State Highway 36 via Hayfork,

- (g) Hayfork and Hyampon, and
- (h) Redding and Platina, and
- 5. With the right to serve all points laterally within five miles of above routes, and
- 6. To, from and between intermediate points located within and adjacent to above described routes, and laterals, except between Vollmers and Red Bluff on U. S. Highway 99, where service will be limited to traffic having origin at points located off highway 99 but on the other routes described above.

(c) To Donald H. Hawkey,

1. Over U. S. Highway 99, 99W, and 99E between the California-Oregon State Line and Modesto,
2. Over U. S. Highway 97 between the California-Oregon State Line and U. S. Highway 99,
3. Over State Highway 96 between U. S. Highway 99 and U. S. Highway 299,
4. Over U. S. Highway 101 between the California-Oregon State Line and its junction with State Highway 36,
5. Over U. S. Highway 199 between California-Oregon State Line and Crescent City,
6. Over an unnumbered road between Callahan and Tower House,
7. Over U. S. Highway 299 between U. S. Highway 101 and Alturas,
8. Over State Highway 89 between its junction with State Highway 44 and U. S. Highway 99,
9. Over State Highway 44 between Redding and its junction with State Highway 89,
10. Over State Highway 36 to a point thereon approximately one mile northeasterly of Westwood thence over an unnumbered road, between U. S. Highway 101 and Westwood,
11. Over U. S. Highway 40 between Sacramento and San Francisco,
12. Over U. S. Highway 50 between Stockton and San Francisco,
13. Over State Highway 12 between U. S. Highway 40 and Napa,
14. Over State Highway 37 to Sears Point thence over State Highway 48, between U. S. Highway 101 and U. S. Highway 40,
15. Over U. S. Highway 101 and 101 By-pass between Ukiah and San Jose,
16. Over State Highway 17 between Oakland and San Jose,
17. Over an unnumbered road via San Francisco Bay Toll Bridge between State Highway 17 and U. S. Highway 101,
18. With the right to serve all points embraced within the following laterals to the above described routes:
 - (a) Thirty five (35) miles north of Corning and Vina, and
 - (b) Ten (10) miles south of Corning and Vina, and
19. Intermediate points within the above described routes and laterals,
20. All subject to the following restrictions:
 - (a) No local service between points South of Woodland on any highways,
 - (b) No service between Montague, Callahan and intermediate points
 - (c) No service between points on U. S. Highway 101 north of Alton, on the one hand, and San Francisco Bay points, on the other hand.

(d) To William Bostwick,

1. Over U. S. Highway 99, 99W and 99E between California-Oregon State Line and Modesto,
2. Over U. S. Highway 97 between California-Oregon State Line and U. S. Highway 99,
3. Over State Highway 89, between its junction with State Highway 44 and U. S. Highway 99,
4. Over State Highway 96 between Hoopa and U. S. Highway 299,
5. Over U. S. Highway 299 between Willow Creek and Alturas,
6. Over State Highway 36 between Forest Glenn and Susanville,
7. Over an unnumbered road between Douglas City and State Highway 36 via Hayfork,
8. Over State Highway 32 between State Highway 36 and Chico,
9. Over State Highways 89 and 24 between State Highway 36 and U. S. Highway 99E at Marysville,
10. Over U. S. Highway 40 between Sacramento and San Francisco,
11. Over U. S. Highway 50 between Stockton and San Francisco,
12. Over State Highway 17 between Oakland and San Jose,
13. Over U. S. Highway 101 and 101 By-pass between San Francisco and Salinas,
14. Over an unnumbered road via San Francisco Bay Toll Bridge between State Highway 17 and U. S. Highway 101,
15. With the right to serve all territory embraced within the following laterals to the above described routes:
 - (a) Thirty five (35) miles north of Chico,
 - (b) Ten (10) miles South of Chico, and
16. Intermediate points embraced within the above described routes and laterals,
17. All subject to the following restrictions:
 - (a) No local service between points south of Woodland,
 - (b) No service between Montague, Callahan, and intermediate points,
 - (c) No service between Mt. Shasta, Pondsosa and intermediate points,
 - (d) No service between points on U. S. Highway 101 north of Alton, on the one hand, and San Francisco Bay points, on the other hand.

(e) To Rochlitz Bros., Inc.,

1. Over U. S. Highway 101 between California-Oregon State Line and State Highway 36,
2. Over U. S. Highway 199 between California-Oregon State Line and U. S. Highway 101,
3. Over State Highway 96 between U. S. Highway 101 and U. S. Highway 299,
4. Over U. S. Highways 99, 99W, and 99E between California-Oregon State Line and Modesto,
5. Over U. S. Highway 97 between the California-Oregon State Line and U. S. Highway 99,
6. Over State Highway 89 between U. S. Highway 99 and State Highway 44,
7. Over an unnumbered road between Callahan and Towerhouse,
8. Over U. S. Highway 299 between U. S. Highway 101 and Alturas,
9. Over State Highway 44 between U. S. Highway 99 and State Highway 89,
10. Over an unnumbered road between U. S. Highway 299 and State Highway 36 via Hayfork,

11. Over State Highway 36 between U. S. Highway 101 and Susanville,
 12. Over State Highway 32 between State Highway 36 and Chico,
 13. Over State Highways 89 and 24 between State Highway 36 and U. S. Highway 99E at Marysville,
 14. Over State Highway 20 and U. S. Highway 101 between U. S. Highway 99W and Ukiah,
 15. Over U. S. Highways 101 and 101 By-pass between Ukiah and Salinas,
 16. Over State Highway 28 between U. S. Highways 99W and 101,
 17. Over U. S. Highway 40 between Sacramento and San Francisco,
 18. Over State Highway 48 to Sears Points thence State Highway 37 between U. S. Highways 40 and 101,
 19. Over U. S. Highway 50 between Stockton and San Francisco,
 20. Over State Highway 17 between Oakland and San Jose,
 21. Over an unnumbered road via San Francisco Bay Toll Bridge between State Highway 17 and U. S. Highway 101,
 22. Over State Highway 1 between San Francisco and Salinas,
 23. With the right to serve all points embraced within the following laterals to the above described routes:
 - (a) Thirty five (35) miles, north of Chico, and
 - (b) Ten (10) miles, south of Chico, and
 24. Intermediate points on or within the above described routes laterals;
 25. All subject to the following restrictions:
 - (a) No local service south of Woodland,
 - (b) No service between Montague, Callahan, and intermediate points,
 - (c) No service between Mt. Shasta, Ponderosa and intermediate points,
 - (d) No service between points on U. S. Highway 101 north of Alton, on the one hand, and San Francisco Bay points, on the other hand.
- (f) To Yreka Western Railroad Company as an extension and enlargement of and in consolidation with its presently certificated operation,
1. Over U. S. Highway 99 between its junction with State Highway 97 and Yreka,
 2. Over State Highway 96 between its junction with U. S. Highway 99 and Happy Camp,
 3. With the right to serve all points embraced within a five (5) mile lateral of the above described route, and
 4. Intermediate points on and within the above described routes and laterals.
- (g) To George S. Butler and Marjorie E. Butler, as an extension and enlargement of and in consolidation with their presently certificated operation,
1. Over U. S. Highway 101 between the California-Oregon State Line and Crescent City,
 2. The territory embraced within a fifteen (15) mile lateral adjacent to U. S. Highway 101 between the California-Oregon State Line and Eureka, and
 3. With the right to serve all intermediate points on and within the above described route and lateral.

(h) To American Stevedore Company,

1. Over U. S. Highway 101 and 101 By-pass between California-Oregon State Line and Salinas,
2. Over U. S. Highway 199 between the California-Oregon Border and U. S. Highway 101,
3. Over U. S. Highway 99, 99W and 99E, between the California-Oregon State Line and Modesto,
4. Over State Highway 96 between Hoopa and U. S. Highway 299,
5. Over U. S. Highway 299 between U. S. Highway 101 and Alturas,
6. Over State Highway 89 between its junction with State Highway 44 and U. S. Highway 99,
7. Over State Highway 44 between U. S. Highway 99 and State Highway 89,
8. Over State Highway 36 between U. S. Highway 101 and Bridgeville,
9. Over State Highway 36 between U. S. Highway 99 and Susanville,
10. Over an unnumbered road between U. S. Highway 101 and Thorn,
11. Over an unnumbered road between U. S. Highway 101 and Branscomb,
12. Over State Highway 89 between State Highway 36 and Quincy,
13. Over State Highway 24 between State Highway 89 and Woodland,
14. Over State Highway 20 between U. S. Highways 101 and 99W,
15. Over State Highway 20 between Marysville and Grass Valley,
16. Over State Highway 49 between Grass Valley and Auburn,
17. Over State Highway 28 between U. S. Highway 101 and Booneville,
18. Over State Highway 53 between State Highways 20 and 29,
19. Over State Highway 29 between U. S. Highway 40 and State 53 at Middletown,
20. Over State Highway 48 to Sears Point thence State Highway 37 between U. S. Highways 40 and 101,
21. Over an unnumbered road between San Rafael and Lagunitas,
22. Over U. S. Highway 101 and San Rafael-Richmond Ferry between San Rafael and Richmond,
23. Over U. S. Highway 40 between California-Nevada State Line and San Francisco,
24. Over U. S. Highway 50 between California-Nevada State Line and San Francisco,
25. Over State Highway 12 between U. S. Highways 40 and 50,
26. Over State Highway 24 between State Highway 12 and Oakland,
27. Over State Highway 4 and an unnumbered road between State Highway 24 and U. S. Highway 50 via Byron and Bethany,
28. Over State Highway 17, between Oakland and Santa Cruz,
29. Over an unnumbered road and San Francisco Bay Toll Bridge between Hayward and San Mateo,
30. Over State Highway 1 between San Francisco and Carmel,
31. Over unnumbered roads and State Highway 5 between San Mateo and Half Moon Bay,
32. Over an unnumbered road between State Highway 1 and Redwood City via Pescadero,
33. Over State Highway 156 between State Highway 1 and U. S. Highway 101,
34. With the right to serve all points within the following laterals adjacent to the above described routes:

- (a) Twenty (20) miles north of Cloverdale, Williams and Marysville, and
- (b) Ten (10) miles south of those points, and
- 35. Between all intermediate points on or within the above described routes and laterals,
- 36. All subject to the following restrictions:
 - (a) No local service between points north of Corning and Vina in Sacramento Valley, and
 - (b) No local service north of Eureka (inclusive) in coastal region.

(2) That in providing service pursuant to the certificates herein granted, there shall be compliance with the following service regulations:

- (a) Applicants shall each file a written acceptance of their respective certificates as herein granted within not to exceed 30 days after the effective date hereof.
- (b) Applicants shall each, within 90 days after the effective date of this order and upon not less than 5 days' notice to the Commission and to the public, establish the service herein authorized and comply with the provisions of General Orders Nos. 80 and 93-A (Part IV), by filing, in triplicate and concurrently making effective, tariff and time schedules satisfactory to the Commission.

(3) That Frank C. Winans and Grant A. Winans may establish in their tariff subject to the foregoing service regulations, the rate between the same points, of the same volume, and subject to the same conditions as the rate authorized by Decision No. 42666 in Application No. 30100.

(4) That in publishing their proposed rates, applicants herein are hereby authorized to depart from the provisions of Section 24(a) of the Public Utilities Act and Article XII, Section 21, of the Constitution of the State of California, to the extent necessary to meet rail competitive rates, between points served by rail, and to establish rates based upon the shortest constructive mileages established by the Commission.

This order shall become effective 20 days after the date
hereof.

Dated at San Francisco, California, this
18th day of October, 1949.

R. Z. Intergal
Justice F. Galloway
Frank H. Lowell
Harold P. Huls
Kenneth H. Lott
Commissioners