

ORIGINAL

Decision No. 49474

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 WILLIG FREIGHT LINES, a corporation, )  
 for a certificate of public conven- )  
 ience and necessity to operate as a )  
 highway common carrier for the trans- )  
 portation of property. )

Application No. 33378

Edward M. Berol and Bertram S. Silver, for  
 applicant.  
Marvin Handler, for James P. Nielson, Antoni  
 Truck Lines, and George Keller; Frederick  
E. Fuhrman, for Southern Pacific Company,  
 Pacific Motor Trucking Co., Northwestern Pacific  
 Railroad Co., and Petaluma and Santa Rosa  
 Railroad Co.; Douglas Brookman, for Merchants  
 Express Corporation; Jack Keuper, for Kellogg  
 Express and Draying Company; Willard S.  
Johnson, for J. Christenson Co., protestants.  
Clair W. MacLeod, for California Western Railroad  
 Company; Harold M. Hays, for Inter-City Trans-  
 port Lines and Intercity Motor Lines, inter-  
 ested parties.

## O P I N I O N

Willig Freight Lines<sup>1/</sup> presently empowered to operate as  
 a highway common carrier generally between San Francisco Territory,  
 on the one hand, and the Los Angeles Territory, on the other hand;  
 locally between Jenner and Cloverdale, on the one hand, and Rockport  
 and intermediate points, on the other hand; between San Francisco,  
 on the one hand, and points between Jenner and Cloverdale (including  
 Jenner but excluding Cloverdale) and Rockport and intermediate  
 points, on the other hand; between points intermediate between  
 San Francisco, Jenner and Cloverdale (including said points), on  
 the one hand, and points between Jenner and Cloverdale (including

<sup>1/</sup> Decision No. 48281, dated February 17, 1953, authorized  
 E. J. Willig Truck Transportation Co. and Willig Freight Lines  
 to execute an agreement of merger whereby E. J. Willig Truck  
 Transportation Co. was merged into Willig Freight Lines.

Jenner but excluding Cloverdale) and Rockport and intermediate points, on the other hand, seeks authority to extend its service as follows:

- (a) Between South San Francisco and Rockport via U.S. Highways Nos. 101 and 101 By-Pass, and State Highways Nos. 28 and 1, via Cloverdale and Navarro; serving Point Arena Weather Station as an off-route point, and serving all intermediate points provided that service to Point Arena Weather Station shall be restricted to shipments weighing 4,000 pounds or more and no service shall be rendered locally between South San Francisco and San Francisco and points intermediate thereto.
- (b) Between Petaluma and Rockport, via all connecting routes from U. S. Highway 101 between Petaluma and Santa Rosa to Bodega Bay and Jenner and State Highway No. 1, serving all intermediate points and serving Armstrong State Park as an off-route point.
- (c) Between San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Piedmont, Oakland, Alameda, San Leandro and Hayward, on the one hand, and all points in the foregoing routes, on the other hand, via all available routes, provided no service shall be rendered to San Francisco and points south thereof.
- (d) Between the Los Angeles Territory, on the one hand, and points and places on the foregoing routes (north of San Francisco and Richmond), on the other hand, via routes presently authorized between the Los Angeles Territory and the San Francisco Territory, and via the routes as described in (a), (b) and (c) hereof.

Public hearings were held before Examiner Silverhart at San Francisco and Santa Rosa on May 27, 28, 29, June 19, 29, 30, and October 6, 7, 8, 1953. Oral argument was had on November 30, 1953, at which time the matter was submitted. Southern Pacific Company, Northwestern Pacific Railroad Company, Petaluma and Santa Rosa Railroad Company, Pacific Motor Trucking Company, James P. Nielson, doing business as Nielson Freight Lines, Alfred F. Antoni, doing business as Antoni Truck Lines, Merchants Express Corporation, and Kellogg Express and Draying Company protested the granting of the application.

Applicant and its predecessors in interest have been engaged in the for-hire trucking business since 1941 and for several years last past applicant has served some of the points involved herein as a permitted carrier.

Applicant proposes to render a daily, five-day-week service. Shipments originating in the Los Angeles area and destined to points north of San Francisco will be afforded next morning arrival at San Francisco and there transshipped, with deliveries as far as Healdsburg being effected by 4 p.m. of that afternoon. Points north of Cloverdale will receive second-day delivery. Full truckloads will be transported directly to point of destination. Shipments initiated at San Francisco and there picked up prior to 11 a.m. will receive afternoon delivery to points north of San Francisco. Shipments picked up subsequent to 11 a.m. will be delivered the next morning at 8 a.m. Shipments moving between East Bay points and the points north of San Francisco will be accorded delivery the next day following pick up.

The rates to be assessed, and the rules and regulations in connection therewith, will be in general conformity with those contained in Highway Carriers' Tariff No. 2.

The record indicates that applicant possesses the requisite resources to institute and maintain the proposed operation.

Applicant placed in evidence as Exhibit 8 a document entitled "Representative Statement of Intrastate Shipments Handled by Willig Freight Lines 1949 Through 1952". Operations begun subsequent to May 6, 1952, the date of filing the application, will not be considered in determining the need for the service which applicant proposes.

Of the 1,737 shipments remaining, Exhibit 8 indicates that they were handled in the manner following:

Carrier Period Covered 1949-1952	Between Los Angeles and adjacent area and points to which applicant possesses certificated authority	Between Los Angeles and adjacent area and points to which applicant does not possess certificated authority	Between San Francisco and points to which applicant does not possess certificated authority	Between South San Francisco and points to which applicant possesses certificated authority	Between East Bay* points & points to which applicant does not possess certificated authority	Between East Bay* points & points to which applicant possesses certificated authority
E. J. Willig Truck Transportation Co.		38	71		1	
E. J. Willig Truck Transportation Co. in conjunction with another carrier		86			4	
Willig Freight Lines		8	4	56	11	199
Willig Freight Lines in conjunction with another carrier	1					1,253
Willig Freight Lines together with E. J. Willig Transportation Co.		5				

\* Applicant does not possess certificated authority to originate shipments at either South San Francisco or East Bay points.

Representatives of firms making shipments between or receiving shipments at points encompassed within the scope of the application were called as witnesses by applicant.

Generally, their testimony was to the effect that they had used and now are using applicant's service, that such service is good, that single-line carrier service between the points involved herein is desired, that time in transit is important, and that the split-delivery privilege contained in the proposed service will afford rate savings.

Cross-examination revealed that for the most part these witnesses had no substantial complaints as to the transportation performance of other carriers serving the areas here affected and would continue to use such carriers as well as the applicant. Such cross-examination disclosed that the witnesses did not make any investigation to determine what savings, if any, would accrue from the exercise of the split-delivery privilege and, further, that some of them could not conveniently and fully utilize such privilege.

Protestants James P. Nielson, J. Christenson Co., Pacific Motor Trucking Company, Southern Pacific Company, Merchants Express Corporation and Antoni Truck Lines testified as to the areas they served and the types of service rendered therein. It appears that such protestants, as to the areas they serve, offer a service comparable to that proposed by applicant with respect to time in transit.

During the course of the oral argument it developed that the protestants participating therein had no objection to the granting of authority to applicant to conduct operations between East Bay points and points applicant is presently empowered to serve. The evidence indicates, and we so find, that public convenience and necessity require the application be granted to such extent.

It is alleged in the application that

"...Your applicant WILLIG FREIGHT LINES has been providing a service as a permitted carrier to and from some of the points proposed to be served herein; that said applicant is uncertain as to the propriety of such operations as a permitted carrier and desires to resolve any doubts which may exist by serving the complete territory as a common carrier." (Underscoring added)

Such uncertainty is without foundation, for an examination of the summary of Exhibit 8 hereinabove set forth fails to disclose that applicant has conducted its own transportation activities other than within the scope of the operating authority heretofore issued it by the Commission.

The evidence does not demonstrate a public need for applicant's service in the transportation of property as contemplated by the application, other than above set forth.

Therefore, the application will be granted in part as set forth in the ensuing order and in all other respects will be denied.

#### O R D E R

Public hearings having been held and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Willig Freight Lines, a corporation, authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code, for the transportation of general commodities except uncrated household goods and other commodities for which the Commission has prescribed minimum rates in Appendix A, Decision No. 44919, City Carriers' Tariff No. 3-A, Highway Carriers' Tariff No. 4-A; and petroleum products in bulk, between San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Piedmont,

Oakland, Alameda, San Leandro and Hayward, on the one hand, and all points Willig Freight Lines is now authorized to serve, on the other hand.

2. In providing service pursuant to the certificate herein granted applicant shall comply with and observe the following service regulations:

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- b. Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective appropriate tariffs satisfactory to the Commission.
- c. 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 all available routes.

3. Application No. 33378 is denied in all other respects.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of December, 1953.

A. E. [Signature]  
President  
James J. [Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners