

Decision No. 53223

ORIGINAL

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)
 transportation of property.)

Application No. 35619

O P I N I O N

Willig Freight Lines is engaged in the transportation of property in California pursuant to certificates and permits issued it by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of general commodities between Rockport (a point north of Fort Bragg) and Sacramento, on the north, and Los Angeles Basin, on the south.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted to the extent set forth in the ensuing order. It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. A public hearing is not necessary.

Applicant is hereby placed on 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, such rights 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 as to the number of rights which may be given.

O R D E R

The Commission having considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That 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 property between the points and over the routes as more particularly set forth in Appendices A and B attached hereto and made a part hereof.

(2) That 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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 12th day of January, 1956.

[Signature]
President
Justus F. Craven
Paul G. Lutz
[Signature]
[Signature]
Commissioners

Willig Freight Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places on or within three miles laterally of:

- (1) State Highway No. 1 between Rockport and Valley Ford and intermediate points;
- (2) U. S. Highway No. 101 between Cloverdale and San Francisco and intermediate points;
- (3) State Highway No. 12 between Monte Rio and Schellville and intermediate points;
- (4) State Highway 37 between Schellville and junction U. S. Highway No. 101 and intermediate points;
- (5) Unnumbered highways between Valley Ford, Sebastopol, Monte Rio, Occidental, Graton, Fulton, Hilton, Armstrong State Park, Annapolis and Skaggs Springs; and
- (6) Between all points and places set forth in numbers (1) thru (5), on the one hand, and San Francisco Territory as described in Appendix B attached hereto, on the other hand.

Applicant shall not transport any shipments of:

- (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A;

Issued by California Public Utilities Commission.

Decision No. 53223, Application No. 35619.

- (b) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- (c) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and
- (d) Articles of extraordinary value.

Applicant shall conduct operations over and along any and all streets, roads and highways including, but not limited to, the ones enumerated herein.

All operating authority possessed by this applicant, on the date hereof, which authorizes transportation also authorized herein shall be deemed to have merged with the authority herein granted as of the date when service hereunder is actually begun.

Nothing in this order shall be construed to revoke any operating authority now possessed by applicant except as set forth in the next preceding paragraph hereof.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 53223, Application No. 35619.

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.