

Decision No. 58055**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 convenience
 and necessity to operate as a highway
 common carrier for the transportation
 of property.

Application No. 39116

Frank Loughran, for applicant.O P I N I O N

Willig Freight Lines requests (1) an extension of certain lateral authority for the purpose of serving constructor camp and dam sites north of San Francisco belonging to certain public utilities; (2) authority to transport split-shipments to destinations intermediate to presently certificated points; and (3) a new certificate restating its operative rights.

A public hearing was held before Examiner Thomas E. Daly on January 16, 1959, at San Francisco, and the matter was submitted. No appearance was made in protest to the application.

With respect to the requested lateral authority, it was stated that for many years applicant has been requested to extend its service north of San Francisco to serve construction and dam sites belonging to certain utility companies. It has been requested frequently to deviate from its principal routes in order to provide service throughout an area in which it is practically the sole carrier. Applicant therefore requests authority to serve between all points and places located on, or laterally within 25 miles of, State Highway No. 1 between Fort Bragg and Valley Ford, including said

points; on or laterally within 10 miles of State Highway No. 1, between Fort Bragg and Rockport, including said points; and those points located on or laterally within 3 miles of U. S. Highway 101 between Cloverdale and San Francisco, including said points.

Applicant also requests authority to transport split-shipments between the San Francisco and Los Angeles territories and all points along U. S. Highway No. 99 between said territories, as well as within 25 miles of the Cities of Fresno and Bakersfield and within 25 miles of U. S. Highway No. 99 between said cities. Similar split-shipment authority is requested for Salinas and all points on and along U. S. Highway No. 101 between Los Angeles and San Diego.

As justification for the authority to transport split-shipments to the proposed points, it was stated that, prior to certification, applicant, as a permitted carrier, provided a split-shipment service between San Francisco and San Diego and intermediate points, including Salinas; that after certification which authorized service between the San Francisco and Los Angeles territories, as well as the intermediate points of Stockton, Modesto, Merced, Los Banos, Fresno, Tulare and Bakersfield, applicant provided the split-shipment service under a combination of certificated and permitted authority; that subsequently the Commission ruled that a certificated carrier could not provide a split-delivery service to off-route points; that as a result applicant was forced to arrange with a permitted carrier to transport such shipments; that the arrangement has proved unsatisfactory in many cases because two trucks are required to pick up where one would suffice and two billings are required instead of one; that more than 50 per cent of applicant's customers occasionally make split-shipments to presently off-route points; that certain of applicant's customers have stated that, unless a complete service is provided, they will discontinue applicant's service entirely.

Four public witnesses testified on behalf of applicant. They stated that they presently use applicant's services to its certificated points; that they have split-shipments to the proposed points and are required to use a permitted carrier; that the use of two carriers is an inconvenience and that they desire to use applicant's services for all their shipments.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of the authority sought.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That in the place and stead of its existing operative rights, a certificate of public convenience and necessity is hereby granted to Willig Freight Lines authorizing the transportation of property as a highway common carrier between the points and over the routes set forth in Appendix A 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 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That the authority to operate as a highway common carrier heretofore granted to Willig Freight Lines is hereby revoked, such revocation to take effect concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 24th day of February, 1959.

E. Lynn Fox
President

John E. M. ...

William ...

Theodore ...

Everett ...
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 the following points and over the following routes:

- (1) Between all points and places located on or laterally within 25 miles of State Highway No. 1 between Fort Bragg and Valley Ford, including both Fort Bragg and Valley Ford; on or laterally within 10 miles of State Highway No. 1 between Fort Bragg and Rockport, including both of said points; and points located on or laterally within 3 miles of U. S. Highway 101 between Cloverdale and San Francisco, including both Cloverdale and San Francisco.
- (2) Between all points and places located on or laterally within 3 miles of State Highway No. 12 between Santa Rosa and Shellville, including both of said points; and on or laterally within 3 miles of State Highway No. 37 between Shellville and the intersection of said State Highway 37 with U. S. Highway No. 101 near Ignacio.
- (3) Between San Francisco territory as described in Exhibit B-1, the Los Angeles territory as described in Exhibit B-2, Martinez, Sacramento, Stockton, Modesto, Los Banos, Merced, Fresno, Tulare and Bakersfield; and between all of the aforesaid points, on the one hand, and all points set forth in paragraphs (1) and (2), on the other hand. No local service shall be performed in the said San Francisco territory or the said Los Angeles territory.
- (4) From all points and places specifically named and identified in paragraphs (1), (2) and (3) hereof to all points and places:
 - (a) Located on or within 3 miles laterally of U. S. Highway No. 99 between Sacramento and Los Angeles, other than those points specifically named in paragraph (3).
 - (b) Located within 25 miles laterally of U. S. Highway No. 99 between Fresno and Bakersfield, other than those points specifically named in paragraph (3).

Issued by the California Public Utilities Commission.

Decision No. 58055, Application No. 39116.

- (c) Located within a radius of 25 miles of Bakersfield, other than those points specifically named in paragraph (3).
 - (d) Located within a radius of 25 miles of Fresno, other than those points specifically named in paragraph (3).
 - (e) Located on or within 3 miles laterally of U. S. Highway No. 395 between Riverside and San Diego, except that service is not authorized for shipments having origin or destination at points or places located within the Los Angeles territory as described in Exhibit B-2.
 - (f) Located on or within 3 miles laterally of State Highway No. 71 between Corona and Elsinore, except that service is not authorized for shipments having origin or destination at points or places located within the Los Angeles territory as described in Exhibit B-2.
 - (g) Located on or within 3 miles laterally of U. S. Highway No. 101 between Santa Ana and San Diego, except that service is not authorized for shipments having origin or destination at points or places located within the Los Angeles territory as described in Exhibit B-2.
 - (h) Located on or within 3 miles laterally of U. S. Highway No. 101, alternate, between Long Beach and San Diego, except that service is not authorized for shipments having origin or destination at points or places located within the Los Angeles territory as described in Exhibit No. B-2.
- (5) The authority granted in paragraph (4) is to be limited to the delivery of component parts of split delivery shipments having origin or destination in the points and places specifically identified in paragraphs (1), (2) and (3). ✓
- (6) From Los Angeles territory as described in Exhibit B-2 to Salinas, limited to the delivery of component parts of split delivery shipments having origin in said Los Angeles territory and final destination in the San Francisco territory as described in Exhibit No. B-1.

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Decision No. 58055, Application No. 39116.

No service shall be provided to or from Salinas for the transportation of fresh fruits and/or vegetables.

- (7) The following commodities shall not be transported:
- (a) Used household goods and personal effects not packed in accordance with the crated property requirements as set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
 - (b) Liquids, compressed gases, commodities in semi-plastic form nor commodities in suspension; liquids in bulk in tank trucks, tank trailers or tank and semi-trailers or a combination of such highway vehicles.
 - (c) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
 - (d) Articles of extraordinary value.
 - (e) Automobiles, trucks or buses, new or used, finished or unfinished, viz.: passenger automobiles (including jeeps); ambulances; hearses; taxis; freight automobiles; automobile chassis; truck chassis; truck trailers; trucks and trailers combined; buses or bus chassis.

End of Appendix A

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Decision No. 58055, Application No. 39116.