

ORIGINAL

Decision No. 81130

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of YREKA WESTERN RAILROAD COMPANY
to abandon passenger stage
operations and to abandon portions
of motor carrier operating
authority.

Application No. 53791
(Filed January 16, 1973)

O P I N I O N

This application was filed to request authorization to abandon all passenger stage and certain highway common carrier operating authority in Humboldt and Trinity Counties. The passenger stage operates between Eureka, Arcata, Bayside, and Sunnybrae and the Arcata-Eureka Airport; also to Willow Creek and up Highway 96 to Forks of Salmon. The motor carrier operations to be abandoned extend generally from Hoopa north along State Highway 96 to Somes Bar, northeast of Eureka in Humboldt County, also southeast of Eureka on State Highway 36 between Carlotta and Mad River, southerly from Bridgeville via unnumbered road, to Alderpoint, thence easterly to Zenia, and from Mad River southerly on unnumbered road to Ruth.

The present authority was obtained by purchase on December 19, 1967. It is alleged that at the time of purchase several large lumber companies operated east of Eureka and provided sufficient business to justify applicant's operation. These lumber mills have ceased operating and have moved out of the area. The lumber mill employees required the passenger service and provided sustaining business for nearby stores, service stations, restaurants, and motels which also used applicant's service. Most of the residents have moved to obtain jobs elsewhere and local stores, restaurants, and service stations have closed. Applicant alleges that only a few residents are left, and they do not require the service applicant has been providing.

Findings

1. The passenger stage and motor carrier operations of applicant as described herein are not compensatory.
2. The volume of business does not justify the continuance of either of the described services.
3. Public convenience and necessity no longer require that applicant provide a passenger stage service between Eureka, Arcata, Bayside, and Sunnybrae and Arcata-Eureka Airport, or between Eureka and Willow Creek along State Highway 299, or between Willow Creek and Somes Bar on State Highway 96, or southeasterly to Forks of Salmon from Somes Bar and the territories intermediate and adjacent thereto.
4. Public convenience and necessity no longer require applicant's general commodity highway common carrier service from Hoopa north on State Highway 96 to Somes Bar, on State Highway 36 between Carlotta and Mad River, from Bridgeville to Alderpoint and Zenia, and from Mad River to Ruth.
5. A restated certificate will be granted to consolidate applicant's remaining highway common carrier operating authority.
6. A public hearing is not necessary.

The application will be granted.

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 modified or canceled 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

IT IS ORDERED that:

1. On or before June 30, 1973, Yreka Western Railroad Company may discontinue its operations as a passenger stage corporation and those portions of its highway common carrier authority referred to in the application and described in the opinion herein.

2. An in-lieu certificate of public convenience and necessity is granted to Yreka Western Railroad Company, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred and twenty days after the effective date hereof, applicant shall establish the service and amend its tariffs on file with the Commission to reflect the authority granted herein.
- (c) The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.

- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

4. The certificate of public convenience and necessity granted in paragraph 2 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 73507, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

5. Applicant shall post a notice of its discontinuance of passenger service in each of its passenger carrying vehicles and at all bus stops for fifteen consecutive days prior to the date on which service will be terminated.

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

Dated at San Francisco, California, this 13th
day of MARCH, 1973.

Hermon L. Stevenson
President
William J. Synge Jr.
Thomas Moran
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Yreka Western Railroad Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of:

1. Lumber:

Between the George M. Huff and E. J. Hjertager lumber mills located approximately five and eleven miles, respectively, southeast of Etna, Siskiyou County, on county roads designated as East Side and West Side Callahan roads, on the one hand, and Yreka, on the other hand.

2. General Commodities:

Between all points and places on and within five miles laterally of the following routes:

- (a) U.S. Highway 101 between Scotia and Trinidad, inclusive;
- (b) State Highway 299 between the junction of said highway with U.S. Highway 101 and Burnt Ranch, inclusive;
- (c) State Highway 96 between Willow Creek and Hoopa, inclusive, and between Somes Bar and the junction of said highway with Interstate 5, inclusive;
- (d) Somes Bar Etna Road between Somes Bar and Forks of Salmon, inclusive;
- (e) Rohnerville Road between Fortuna and Hydesville, inclusive, via Rohnerville;

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- (f) Unnumbered highway between Happy Camp and Gray Eagle Mine, inclusive;
- (g) State Highway 36 between Hydesville and Carlotta, inclusive;
- (h) State Highway 3 between Etna and the junction of said highway with Interstate Highway 5, inclusive, via Greenview and Fort Jones;
- (i) Interstate Highway 5 between the junction of said highway with State Highway 3 and Hornbrook, inclusive; and
- (j) Between Montague and Yreka inclusive, via State Highway 3 and unnumbered road.

Except that pursuant to the authority herein granted, carrier shall not transport any shipment of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.

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4. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
9. Commodities requiring special equipment and handling because of unusual size, weight, or shape.
10. Articles of extraordinary value, viz: Bank bills, coin or currency, deeds, drafts, notes or valuable papers of any kind; jewelry, including costume or novelty jewelry; postage stamps or letters and packets of letters with or without postage stamps affixed; precious articles of extraordinary value.
11. Explosives.
12. Commodities injurious or contaminating to other lading.

(END OF APPENDIX A)

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