

Decision No. 12297

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
 J. J. HUBERT, doing business under)
 the firm name and style of SOUTH)
 SHORE DRAYAGE COMPANY, for certificate) Application No. 8931
 of public convenience and necessity to)
 operate freight truck service between)
 Port South Shore, Santa Clara County,)
 and all points in Santa Clara County)
 over all roads and highways in said)
 County.)

Devlin and Brookman, by Frank R. Devlin
 for Applicant.
 L. N. Bradshaw for Southern Pacific Company,
 Protestant.
 A. S. Weston for American Railway Express
 Company, Protestant.
 Walter E. Robinson for Pioneer-Gibson Express
 and Highway Transport Company, Protestants.

BY THE COMMISSION,

O-P-I-N-I-O-N

J. J. Hubert, proposing to operate under the
 fictitious name of South Shore Drayage Company, has applied to
 the Railroad Commission for an order declaring that public con-
 venience and necessity require the operation by him of an auto-
 mobile truck line as a common carrier of freight between Port
 South Shore, Santa Clara County, to and from all points in
 Santa Clara County over all roads and highways in said county.

Public hearings on the above entitled proceeding
 were conducted by Examiner Handford at San Francisco, the matter
 was duly submitted and is now ready for decision.

At the hearing applicant amended the routes proposed
 to be served and requested consideration on the basis of service.

from Point South Shore to Palo Alto, Mayfield, Mountain View, Sunnyvale, Santa Clara, San Jose, Cupertino, Saratoga, Los Gatos, Campbell, Alviso, Coyote, Morgan Hill, San Martin and Gilroy, over all roads and highways and for a distance of two miles on either side of roads or highways traversed in reaching such communities. No intermediate service is to be given between communities in Santa Clara County, the service proposed in this application being through service between San Francisco and Santa Clara Valley points, freight to be transported over the highways by the equipment of applicant and by steamer between Port South Shore and San Francisco.

Applicant proposes to charge rates between San Francisco and Santa Clara Valley points in accordance with a schedule marked Exhibit "A" filed as a portion of the application herein, and as amended at one of the hearings; to operate daily service between points in the Santa Clara Valley and the wharf at Port South Shore using as equipment 5 trucks and 5 trailers with a combined manufacturer's rated capacity of 40 tons.

The service proposed is a portion of a plan to utilize water transportation between San Francisco and a new port established within the city limits of the Town of Sunnyvale. To afford the necessary facilities for transporting shipments to and from the new port and communities in the Santa Clara Valley it is necessary to use truck transportation over the highways and the establishment of such truck service between fixed termini and over regular routes requires the securing of a certificate of public convenience and necessity.

It appears from the evidence produced on behalf of applicant that the necessary work has been done by the South Shore Port Company to enable the facilities for water transportation to be available between the new port and San Francisco, including the construction of a steamer, the dredging

of a canal and the erection of a wharf and warehouse. These facilities are now ready to be placed in service.

Witnesses for applicant testified as to their desire for the establishment of the through service to San Francisco as herein proposed and of which the truck transportation is an essential part; that the proposed service would result in the benefits to Santa Clara County points which might arise from water competition; that the establishment of the proposed service should relieve in some degree the congestion on the highways between San Francisco and San Jose. No complaint was made as to the service now rendered by any present truck operator although some of the rates were considered high by one or more of applicant's witnesses. Letters were received in evidence in support of the application; these, however, do not contain criticism of the present transportation facilities but express approval of the proposed plan and of the ability of the applicant to satisfactorily carry out his proposed undertaking.

The granting of the application is opposed by the Southern Pacific Company, Pioneer-Gibson Express, Highway Transport Company and the American Railway Express Company. All these protestants, by their witnesses and exhibits allege that they are satisfactorily serving the communities in Santa Clara Valley by their respective methods of service and at rates which are reasonable and have not been the source of complaint. All the protestants claim ample facilities to supply the traffic demands of the shipping and receiving public and express a willingness to add such additional equipment as may be necessary.

The Pioneer-Gibson Express is operating truck units

aggregating 45 tons capacity between San Francisco and San Jose, and is handling an average of from 18 to 25 tons southbound and of 5 tons per day northbound, daily, over this route. This protestant furnishes a pick-up and delivery service in San Francisco, picking up shipments as late as 6:00 PM which are delivered in San Jose or at points intermediate to San Jose on the following morning. This protestant maintains agencies at San Francisco, San Mateo, Redwood City, Palo Alto and San Jose.

The Highway Transport Company, protestant, operates between San Francisco and San Jose and intermediate points with a truck capacity of 55 tons each way, daily, and in such operation averages 60% loaded capacity southbound and 30% loaded capacity northbound. No complaint appears to be made against the character of service as rendered by this protestant, and a number of letters commending its service were received as an exhibit.

Truck service between San Francisco and Gilroy is operated by Mr. Jas. Bell under the name of Gilroy Express, and under the authority of certificate heretofore issued by the Commission. The present scheduled service is two round trips per week and such operation has continued for a period of eight months. No complaint has been made against this service nor has the business justified an increase in the schedule.

The American Railway Express Company furnishes service by the passenger trains of the Southern Pacific Company and maintains pick-up and delivery service, in certain prescribed limits, in San Francisco, Palo Alto, Los Altos, Cupertino, Mountain View, Sunnyvale, Santa Clara, San Jose, Los Gatos and Gilroy.

The Southern Pacific Company operates an over night freight service between San Francisco and points on its Coast Division main line to and including Gilroy, both for carload and less than carload shipments.

As to the rates proposed by the applicant a comparison of such rates with those of carriers at present operating auto truck service indicates that the proposed rates are generally lower but no provision is made for any pick-up and delivery in the city of San Francisco and the expense of transporting shipments to and from the San Francisco wharf of the steamer line proposing to connect with the auto truck service herein proposed by the applicant must be borne by either the shipper or the consignee, and be added to the proposed rates.

We have carefully considered all the evidence and exhibits herein and while the applicant has presented a comprehensive plan of operation as a portion of a proposed through service between San Francisco and Santa Clara Valley points of which the facilities of a water carrier form a part, and in the establishment of such water facilities there has been a considerable investment, there is no evidence before the Commission in this proceeding that the service of the existing authorized carriers is insufficient or inadequate to satisfactorily meet the demands of the shipping public in the transportation of commodities between points as proposed and for which the desired certificate would be necessary. In the absence of an affirmative showing that there is a lack of adequate and satisfactory service the Commission cannot, under the statutory law, from which it derives its jurisdiction over this class of transportation companies, authorize the issuance of a certificate of

public convenience and necessity, and the requisite affirmative showing has not been made.

No complaint exists against the service of the authorized carriers, the evidence shows that they possess facilities considerably in excess of the use required by the traffic offering and the authorization of an additional truck carrier over the routes herein requested will result in dividing the already existing traffic and thereby correspondingly reduce the ability of existing carriers to continue the character of service heretofore rendered to the public and against which there has been no material complaint. Under the state of facts as presented by the evidence in this proceeding the application for certificate must be denied.

O-R-D-E-R

Public hearings having been held in the above entitled proceeding, the matter having been duly submitted and the Commission now being fully advised and basing its order on the findings of fact as appearing in the Opinion which precedes this Order,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation of a motor truck service by J. J. Hubert in the carriage of freight between Port South Shore and points in Santa Clara County, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 29th day of

June, 1923.

C. Seavey

Dwight Mattison

F. T. Whittier
Commissioners