

Decision No. 12648**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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 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.

Application No. 8931.

Dovlin & Brookman, by Frank R. Dovlin, for Applicant.
 A. S. Weston, for American Railway Express Company,
 Protestant.

Walter H. Robinson, for Pioneer-Gibson Express and
 Highway Transport Company, Protestants.

F. W. Mielke, E. F. Hull and E. W. Klein, for
 Southern Pacific Company, Protestant.

BY THE COMMISSION:

OPINION ON REHEARING

In the above entitled proceeding the Commission on
 June 29, 1923, made its order (Decision No. 12297) denying the
 application for a certificate of public convenience and necessity
 to operate an automobile truck line between Port South Shore,
 Santa Clara County, and points in Santa Clara County. Applicant
 filed petition for rehearing on July 11, 1923, and the Commission
 on July 13, 1923, made its order herein setting aside its Decision
 No. 12297 and granting a rehearing for the purpose of receiving
 additional evidence from applicant and other interested parties.

The rehearing was held before Examiner Handford at
 San Francisco, the matter was duly submitted following the receipt
 of evidence and briefs of counsel and is now ready for decision.

The proposed method of operation in conjunction with a steamer service operating between Port South Shore and Pier 5, San Francisco, truck service being proposed from Port South Shore to various points in Santa Clara Valley, is fully set forth in the opinion preceding the order in Decision No. 12297, and beyond reference to the fact that the steamer line has since the former hearing been regularly established and is now operating, requires no discussion in the present opinion.

Witnesses for applicant at the rehearing testified as to advantages accruing by reason of facilities offered for the transportation of shipments of green fruit and canned goods when destined from Santa Clara County points to San Francisco for steamer shipment from such point, such shipments when in less than carload quantities but in volume exceeding 10,000 lbs. being accorded a rate less than that of existing truck lines or rail rates when the local charges at points of origin and destination are considered.

A witness, connected with a wholesale grocery at San Jose, testified as to results secured on a test shipment of canned pineapple from San Francisco to San Jose, the shipment weighing 10,108 lbs. and resulting in a saving in cost of transportation, at the rates proposed by applicant, of \$10.07 over the rate that would have been assessed by rail movement and cartage to and from railroad, and of \$7.58 over the rate that would have been assessed by authorized truck lines operating between San Francisco and San Jose.

The rates proposed by applicant offer an advantage to such portion of the public that is able to ship in quantity lots and will enable canneries and packing houses to move ship-

ments of 10,000 lbs. and over to San Francisco destinations expeditiously and at a lesser rate than is offered by rail or authorized truck carriers. There is no advantage regarding car-load shipments, the rates offered by the rail carriers being lower than those of applicant.

The desire of applicant to establish the proposed service has received the approval of representative business and civic organizations and city officials of the Santa Clara County communities proposed to be served as evidenced by testimony of witnesses at the rehearing and resolutions filed in this proceeding.

In view of the fact that a proposed service is offered connecting with an established steamer line service now operating between Port South Shore and San Francisco, by which through service and rates will be available between San Francisco and various Santa Clara County points, and at rates on quantity shipments which are materially lower than those offered for equivalent quantities by existing rail and truck carriers (the cost of pick-up and delivery being considered) it is our opinion and conclusion that the application should be granted in accordance with the terms and conditions of the following order.

ORDER

A rehearing having been held in the above entitled proceeding, the matter having been duly submitted after receipt of evidence and briefs filed by applicant and protestants, and the Commission being now fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by J. J. Hubert, doing business under the firm name and style of South Shore

Drayage Company, of an automobile truck line as a common carrier of freight between Port South Shore, Santa Clara County, and 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, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is issued, covering automobile freight transportation by the applicant over the above described routes and subject to the following conditions:

- I - The authority herein granted does not cover the transportation of any freight locally in Santa Clara County but is confined solely to the transportation of shipments originating at or destined to the City of San Francisco and received from or delivered to applicant at the steamer landing of the Port South Shore Company at Port South Shore, Santa Clara County.
- II - Applicant is hereby required to file his written acceptance of the certificate herein granted and of its terms and conditions within ten (10) days from the date of this order, such acceptance to specify date upon which the operation herein authorized will be commenced, which date shall be not more than thirty (30) days from the date of this order unless such date be extended by a supplemental order of the Railroad Commission.
- III - Applicant is hereby required to file a tariff of rates, rules and regulations, in duplicate, and in accordance with the provisions of General Order No. 51 of this Commission, which General Order, in so far as applicable, is hereby made a part of the order herein. Rates to be in accordance with those set forth in Exhibit "A" as amended in the application herein and to cover through rates between San Francisco and Santa Clara County points as hereinabove set forth. Tariff to be a joint tariff issued by South Shore Port Company and applicant herein and all necessary concurrences to be filed by participants to such joint tariff. The joint tariff to be filed within fifteen (15) days from the date of this order.

- IV - The rights and privileges, authority for which is hereby granted, may not be leased, assigned, transferred, sold or hypothecated unless such lease, assignment, transfer, sale or hypothecation has first received the written approval of the Railroad Commission.
- V - No vehicle may be operated under the authority conveyed by this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24th
day of September, 1923.

C. A. Avery

Dwight Martin
Ernest Shore

J. T. Whittsey
Commissioners.