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Decision No. 14388

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of JAMES BELL and CHARLES GRIFFIN, co-partners, for a certificate of public convenience and necessity to operate an automobile transportation service as a common carrier of freight between San Francisco, Coyote, Madrone, Morgan Hill, San Martin, Gilroy, Sargent, San Juan and Hollister, California, and all points intermediate between Coyote and Hollister, including the right to serve all territory for a distance of two miles on either side of the highway traversed between Coyote and Hollister, save and except as otherwise limited in this application.

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) Application No. 10296
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Harry A. Encell and James A. Miller, by
Harry A. Encell for applicant.

Ed Stern for American Railway Express Co.

L. N. Bradshaw for Southern Pacific Co.

Gwyn E. Baker for Service Motor Transport Co.
and Highway Transport Co.

Maurice F. Dooling for R.W.Laverty.

SEAVEY, Commissioner.

O P I N I O N

James Bell and Charles Griffin, co-partners operating under the fictitious name of Gilroy Express have made application to the Railroad Commission for authority to operate an automotive truck line for the transportation of freight between San Francisco on the one hand and Coyote and Hollister and points intermediate thereto on the other. Applicants do not propose to operate any service locally between San Francisco and San Martin and points intermediate inclusive.

A public hearing was held on August 8th, 1924, evidence and exhibits were submitted and the matter is now ready for decision.

Applicant proposes to operate one round trip leaving Hollister at 4:00 P.M., arriving at San Francisco at 7:30 A.M., leaving San Francisco at 9:00 P.M. and arriving at Hollister at 9:15 A. M. The equipment to be used is more fully set forth in Exhibit "C" attached to the application.

Applicant called a number of witnesses, principally merchants of the towns in the Santa Clara Valley, proposed to be served. These merchants testified in the main to the effect that the service proposed by applicants would be a material benefit to them in the conduct of their business, particularly as regards the movement of canned products from canneries located at Gilroy, Hollister and San Martin. Further, that as regards small shipments of merchandise, the store-door delivery offered by applicant would affect a material saving due to the fact that freight moving by rail must be called for at the depot, necessitating a local delivery charge. In addition to the witnesses who testified, applicant also had present some ten witnesses from Gilroy, Sargent and San Martin whose testimony was accepted and considered by stipulation to be similar to that of preceding witnesses from the same points.

The application was protested by the American Railway Express Company and the Southern Pacific Company serving the territory proposed to be served by applicant which is touched by rail lines, also by the Service Motor Transport Company and the Highway Transport Company. The Highway Transport Company, operating from San Francisco to San Jose in conjunction with the Service Motor Transport Company, operating from San Jose to Gilroy, Hollister and intermediate points. Protestant Laverty operates truck service between San Jose and Hollister but does

not operate into San Francisco. The Southern Pacific Company submitted its time schedule showing service rendered between San Francisco and the points proposed to be served by applicant, now reached by rail. The principal objection of witnesses to this service was with respect to L.C.L. or small shipments, their contention being that while the rail charge was less than that proposed by applicant herein, when shipments moved by rail they were obliged to pay the local trucking charge to and from the depot at either end. The American Railway Express Company submitted two exhibits, one showing a comparison of rates as proposed by the applicant and those in effect via the Express Company. The American Railway Express renders pick-up and delivery service at San Francisco, Gilroy and Hollister, but not at any of the other points covered by the proposed application.

With respect to the protestants Service Motor Transport Company and Highway Transport Company, service over these lines to the territory proposed to be served by the applicant, would necessitate transfer of commodities at San Jose from one line to the other, rates are in most respects practically identical with those proposed by applicant herein. In addition to verbal testimony, letters were submitted in evidence from the San Benito County Chamber of Commerce, Merchants Association of Hollister and Gilroy Chamber of Commerce, endorsing the proposed service.

After a careful review of the evidence and exhibits submitted, we are of the opinion and hereby find as a fact that public convenience and necessity require the establishment of the service as proposed and an order will be entered accordingly.

ORDER

Public hearing having been held in the above entitled proceeding, evidence introduced and the matter being now ready for

decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by James Bell and Charles Griffin, co-partners operating under the fictitious name of Gilroy Express, of an automobile truck service for the transportation of freight for compensation between San Francisco on the one hand and Oroya, Hollister and intermediate points on the other, but not locally between San Francisco, San Martin and intermediate points, inclusive, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

Applicants Bell and Griffin, co-partners operating under the fictitious name of Gilroy Express, shall file written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission thereto has first been secured.

No vehicle may be operated by applicant Gilroy Express unless such vehicle is owned or is leased

by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 22^d day of December, 1924.

Chas. J. ...

Irving Masten

Egerton Shore

J. T. Whittey

COMMISSIONERS.