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Decision No. 14456

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 A. C. WOODARD, doing business under )  
 the fictitious name of OAKLAND-SAN )  
 JOSE TRANSPORTATION COMPANY, for )  
 a certificate of public convenience )  
 and necessity to operate motor truck )  
 line for the transportation of freight :Application No. 9163  
 between Oakland and Livermore, and )  
 intermediate points, via Hayward, )  
 Niles and Pleasanton. )  
 )  
 )

Gwyn H. Baker for Applicant.

L. N. Bradshaw for Southern Pacific  
Company, Protestant.

M. G. Lickteig for American Railway  
Express Company, Protestant.

SEAVEY, Commissioner:

O P I N I O N

On June 28, 1922, A. C. Woodard, doing business under  
 the fictitious name of Oakland-San Jose Transportation Com-  
 pany, applied to the Railroad Commission for an order  
 authorizing him to establish certain through rates between  
 the existing truck line operated by him between Oakland,  
 San Jose and intermediate points and lines acquired under  
 Decision No. 12058 on Application No. 8971 authorizing  
 operation of automotive truck service between San Jose  
 and Hayward and San Jose and Livermore.

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On October 25, 1923, the Commission issued its Decision being Number 12751 in Application No. 9163 granting the application with the proviso that applicant was prohibited from operating through truck service from Oakland to Livermore, but permitting the establishment of through rates Oakland to Livermore. On February 9, 1924, applicant filed his petition for rehearing in which he set forth that while it was true that the applicant did not state in so many words that he desired to run through trucks from Oakland to Livermore that a reasonable construction should have so interpreted the application.

A rehearing was granted and a hearing held on August 4, 1924 at San Francisco at which time evidence was introduced, the matter submitted and it is now ready for decision.

At the rehearing applicant produced several witnesses, one from an Oakland wholesale grocery store who stated that they would use the joint route to Livermore. The other two witnesses were engaged in the feed and fuel business at Livermore and stated that their shipments consisted only of large amounts which were shipped by rail.

It appears from review of prior decisions of the Commission that quite a number of applications for permission to operate truck service Oakland to Livermore have been denied due to lack of necessity for such service. (Decisions Nos. 7936, 8892, 9912, 10247, 10277, 10709, 11183, 11003, 13809).

While it is true that the above applications sought to serve additional points to or beyond Livermore,

they also all desired to serve Livermore and operate to Oakland and it must be considered in denial of said applications if it had been shown that a necessity existed for service from Livermore to Oakland, such applications could have been granted in part covering such territory.

Taking the above numbered decisions in connection with the limited evidence introduced by applicant as to a claimed necessity for the establishment of through truck service, Oakland to Livermore, I am of the opinion and hereby find as a fact that public convenience and necessity do not require the establishment by applicant herein of through truck service Oakland to Livermore and an order will be entered accordingly.

O R D E R

A public hearing having been held in the above entitled matter, evidence introduced and the matter being submitted and now ready for decision,

IT IS HEREBY ORDERED that the petition filed by A.C. Woodard for modification of said Decision No. 12751 be and the same hereby is denied and the above numbered decision affirmed.

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 16<sup>th</sup> day of January, 1925.

O. Searcy  
H. B. Brundage  
Ernest Shore  
George D. Squires

Commissioners