

Decision No. 15004

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
EDWARD C. WOODWORTH for certificate)
of public convenience and necessity)
to operate express and drayage ser-) Application No. 10831
vice between San Francisco and Rich-)
mond, Stege and San Pablo.)

In the Matter of the Application of)
H. P. Lauritzen, G. B. Lauritzen and)
W. P. Bush, copartners, doing busi-)
ness under the fictitious name of)
RICHMOND NAVIGATION & IMPROVEMENT) Application No. 10780
COMPANY, for a certificate of pub-)
lic convenience and necessity for)
the operation of an automobile truck)
line between Richmond, San Pablo,)
El Cerrito and Stege.)

Howard J. Peirsol for applicant in App. 10831;
Gwyn E. Baker for applicant in App. 10780,
and protesting App. 10831;
Devlin & Brookman, by Douglas Brookman for
Consolidated Motor Freight Lines and
Merchants & Drayage Company, protestant.

BY THE COMMISSION:

O P I N I O N

By his application, Edward C. Woodworth seeks a certificate of public convenience and necessity authorizing the operation of an automobile freight truck service between San Francisco and Richmond, Stege and San Pablo and intermediate points, via the San Francisco-Richmond ferry of the Southern Pacific Company. One round trip daily is proposed, at rates shown in the tariff accompanying the application. Applicant intends to commence operation with one 2½ ton truck, later adding one 2-ton truck for pick-up and delivery service in Richmond and vicinity should business require it.

The application of H. P. Lauritzen, G. B. Lauritzen

and W. P. Bush, copartners doing business under the fictitious name of Richmond Navigation & Improvement Company, seeks authority to operate an automobile freight truck service (a) between applicants' terminal at Richmond, and San Pablo, Stege and El Cerrito; and (b) between San Francisco and Richmond, San Pablo, Stege and El Cerrito, via the Southern Pacific San Francisco-Richmond automobile ferry. In connection with this service applicants propose to establish a pick-up and delivery service at San Francisco, San Pablo, Stege and El Cerrito. Applicants allege that they are now operating a boat line on San Francisco Bay between San Francisco and Richmond, as common carriers. All freight is loaded upon motor trucks at the boat landing and delivered direct to the consignees in Richmond and freight destined to San Francisco is picked up by these trucks. It is proposed to extend this service to San Pablo, Stege and El Cerrito, and in addition establish a through truck service from San Francisco to Richmond and the other points named via the Southern Pacific Richmond ferry. One round trip daily is proposed; the equipment now used in connection with applicants' present operations in Richmond, with such additional trucks as may be needed, will be devoted to this service; and the rates proposed accompany the application.

A public hearing was held before Examiner Austin at San Francisco on April 2, 1925, when these applications were consolidated for the purpose of receiving evidence and for decision; evidence was offered, the matters were duly submitted, and are now ready for decision.

Richmond Navigation and Improvement Company appeared as a protestant in Application No. 10831, and Edward C. Woodworth appeared as a protestant in Application No. 10780; the granting of both applications was protested by Merchants

Express & Drayage Co. and Consolidated Motor Freight Lines, Inc.

In support of his application Mr. E. C. Woodworth testified that he had been employed as a drayman in San Francisco for eighteen years. He has discussed his proposed truck line with merchants and produce dealers in San Francisco and Richmond, who have complained of the slowness of the present service. From them he expects to receive shipments averaging about three tons per trip; of this he was able to specify a total movement of about a ton and one-half per trip. San Francisco produce dealers, he stated, need his service to enable them to meet the competition of Oakland dealers at Richmond. The service will be operated from San Francisco to Richmond via the Southern Pacific Richmond ferry. At Richmond, San Pablo, Stege and El Cerrito an additional truck will be used for the pick-up and delivery service; at San Francisco his through truck will perform this service.

This applicant called as a witness Mr. Stanley Jacobson, of Jacobson Reimers Company, wholesale grocers of San Francisco, by whom Mr. Woodworth had been employed as a drayman for fifteen years. He testified that his firm cannot now compete at Richmond with Oakland wholesale dealers, who can deliver their shipments at Richmond from twelve to twenty-four hours ahead of San Francisco dealers. The Oakland wholesale firms use their own trucks, absorbing the delivery charges. He stated that Mr. Woodworth's proposed service would greatly assist them in overcoming this handicap, it being more expeditious than that now afforded by other carriers which require from 24 to 36 hours to deliver San Francisco shipments in Richmond. If necessary, he stated, his firm would expect Mr. Woodworth to make a special trip to Richmond with their groceries. They

require delivery upon the evening of the day of shipment, particularly regarding shipments of eggs and butter.

This applicant called no other witnesses. However, he presented a petition in support of his application signed by a large number of business men, principally San Francisco produce dealers.

H. P. Lauritzen, testifying in support of the application of Richmond Navigation & Improvement Company, stated that this company had been operating a boat line between San Francisco and Richmond for thirteen years, having filed its tariff with the Commission in 1923. This firm also operates a truck line from the boat landing making pick-ups and deliveries in Richmond. From one of the Commission's files, introduced in connection with this witness' testimony, it appears that applicants were in good faith operating this truck service prior to May, 1917, running their trucks from the boat landing to Richmond, San Pablo, Stege and El Cerrito. But their tariffs filed pursuant to our regulations failed to specify the points served aside from Richmond. Pursuant to the Commission's directions, applicants ceased serving these points (other than Richmond) in November, 1924, and subsequently this application was filed. Mr. Lauritzen testified that a daily boat service is afforded, the trip from San Francisco being made at night, and the return trip from Richmond, during the following morning. Applicants now have four trucks. At the shippers' option, goods will be transferred to the boat or will be sent to San Francisco on the same truck, via Southern Pacific ferry, at higher rates. At present applicants intend to continue

using the facilities of local draymen for handling the pick-up and delivery service in San Francisco, this arrangement having been found satisfactory in the past. The charges for this service will be absorbed by applicants. The towns of Richmond, Stege, San Pablo and El Cerrito, he stated, are contiguous and form one industrial area, requiring a transportation service to all of their industries. Applicants now handle from 25 to 50 tons daily, this being about half the capacity of their equipment, consequently they would be affected by the competition of another operator serving the same territory. With respect to the showing made by Mr. Woodworth, he stated that generally the Richmond produce dealers buy their supplies in the Oakland market during the early morning hours, using their own trucks exclusively; also, that a large San Francisco produce firm has established a branch store in Richmond which supplies most of the fruit. He also stated that it would be impossible for a through truck to handle the San Francisco pick-up and delivery service and make the round trip from San Francisco to Richmond in one day.

From the affidavits appearing in the file above mentioned, which was received in evidence without objection, it appears that prior to May 1, 1917, applicants were performing a daily freight service, with their boats and truck, between San Francisco and Richmond, Stege, San Pablo and El Cerrito, but through inadvertence they failed to file proper tariffs covering these operations.

The traffic manager for Certain-teed Products Corporation, having its plant at San Pablo, testified

that those applicants' proposed service was necessary in their business.

Both applications were protested by the Merchants Express & Drayage Co. and Consolidated Motor Freight Lines, Inc.

Testifying in behalf of those protestants, A. A. MacFarland, General Manager of Consolidated Motor Freight Lines, Inc., stated that protestants jointly performed a freight transportation service by water to Oakland and thence by truck to Richmond, shipments being picked up in San Francisco during the afternoon and delivered in Richmond during the following morning. All shipments are transferred from the boats to the trucks at Oakland. Their trucks are never filled to capacity. For the San Francisco pick-up service six trucks are used. In the opinion of this witness, it is not feasible to use a pick-up truck for through service, because of the difficulty of unloading at destination. He also stated that although one truck, operated by a private carrier, might adequately serve wholesale dealers only, nevertheless a common carrier who must serve all shippers could not perform this service with only one truck.

We believe that the evidence shows a necessity for a through freight service between San Francisco and Richmond direct, as distinguished from the service now afforded by protestants via Oakland. Of the two applicants the Richmond Navigation & Improvement Company appears better able to give the public the required service, their facilities being more adequate. Their proposed through

truck service to San Francisco via the Southern Pacific Richmond Ferry appears to meet the needs of wholesale and produce dealers for a more expeditious service than at present given.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by H. P. Lauritzen, G. B. Lauritzen and N. P. Bush, co-partners doing business under the fictitious name of Richmond Navigation & Improvement Company, of an automobile freight truck service for the transportation of property between the terminal at Richmond of the boat line operated by the said Richmond Navigation & Improvement Company and San Pablo, Stege and El Cerrito and also between San Francisco and Richmond, San Pablo, Stege and El Cerrito, and

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the operation by Edward C. Woodworth of an automobile freight truck service for the transportation of property between San Francisco and Richmond, Stege and San Pablo and intermediate points. An order will be entered accordingly:

O R D E R

A public hearing having been held in the above entitled applications, the matters having been duly submitted, the Commission being now fully advised and basing its order on the findings of fact which appear in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require

the operation by H. P. Lauritzen, G. B. Lauritzen and M. P. Bush of an automobile freight service (a) between applicants' boat-line terminal at Richmond, and San Pablo, Stege and El Cerrito; and (b) between San Francisco and Richmond, San Pablo, Stege and Cerrito, via the Southern Pacific San Francisco-Richmond automobile ferry.

IT IS HEREBY ORDERED that the application of Edward C. Woodworth to operate express and drayage service between San Francisco and Richmond, Stege and San Pablo and intermediate points be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said H. P. Lauritzen, G. B. Lauritzen and M. P. Bush, copartners under the fictitious name of Richmond Navigation & Improvement Company, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; and shall file, in duplicate, tariff of rates, fares, rules and regulations, and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariffs of rates and fares, rules and regulations, and time schedules to be identical with those attached to the application herein; and shall commence operation of the service herein authorized within a period of not to exceed sixty (60) days from the date hereof, unless the time for commencement of operation hereunder is hereafter extended by a supplemental order of this Commission.

2. The rights and privileges herein authorized may not be assigned, sold, leased, transferred or hypothecated, nor service discontinued unless the written consent of the Railroad Commission to such assignment, sale, lease, transfer, hypothecation or discontinuance of service has first been secured.

3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under contract or agreement on a basis satisfactory to and approved by this Commission.

IT IS HEREBY FURTHER ORDERED that for all other purposes, except as herein above specified, the effective date of this order will be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd
day of January, 1925.

H. H. Brundage

George D. Squires
Emmuel Scott
Commissioners.