

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
L. A. Misener, Pete Winfield, Luke  
Winfield, W. F. Ely, co-partners,  
operating under the fictitious name  
of MISENER MOTOR DRAYAGE COMPANY  
for certificate of public convenience  
and necessity to establish automo-  
bile freight service for the trans-  
portation of fruits and vegetables  
between Oakland, Winters, Brentwood,  
Santa Cruz, Monterey, Palo Alto and  
all intermediate points.

ORIGINAL

Application No. 11149

E. R. Solinsky, for applicants;  
L. N. Bradshaw, for Southern Pacific Company, protestant;  
M. G. Lickteig, for American Railway Express Company,  
protestant;  
Ervin S. Best, for Bekins Van Lines, Inc.

BY THE COMMISSION:

O P I N I O N

L. A. Misener, Pete Winfield, Luke Winfield and W.F.  
Ely, co-partners operating under the fictitious name of Misener  
Motor Drayage Company, have petitioned the Railroad Commission  
for an order declaring that public convenience and necessity  
require the operation by them of an automobile truck line as a  
common carrier of apples between Santa Cruz, Soquel, Aptos and  
Watsonville, including two miles radius from each point on the  
one hand and Oakland, California, on the other hand during the  
fruit season only of each year and for the transportation of

vegetables between Carmel, Monterey and Castroville, including two miles radius from each point on the one hand, and Oakland on the other hand during the fruit season of each year and for the transportation of vegetables and fruits between Alviso, Mayfield, Menlo Park, Atherton, Redwood City and Belmont, including two mile radius from each point on the one hand and Oakland on the other hand, all of said foregoing service to be a part of and an extension to the existing operative rights now owned and operated by said applicants under Decision No. 9398 on Application No. 6730, and also for the transportation of vegetables and fruits between Winters, Vacaville, Fairfield and Cordelia, including two mile radius of each point on the one hand, and Oakland on the other hand, and for the transportation of fruits and vegetables between Brentwood, Knightson, Oakley, Antioch and Concord, including two mile radius of each point on the one hand, and Oakland on the other hand, during the fruit and vegetable season only of each year.

A public hearing on this application was conducted by Examiner Satterwhite at San Francisco, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B," attached to said application and to use the equipment described in Exhibit "C" attached thereto.

The Southern Pacific Company, the American Railway Express Company and the Bekins Van Lines, Inc., protested the granting of said application.

The testimony of applicants shows that during the years of 1923 and 1924 they transported fruits and vegetables for all the wholesale commission houses in Oakland from all

the various points and farming territory now sought to be served in their said application. This hauling has been done by virtue of contracts entered into with all of these commission houses.

It appears that the extension of service now sought by applicants has been heretofore carried on under and by virtue of the provisions of the so-called Crittenden Bill and in response to a demand by the wholesale commission houses of Oakland for direct and rapid transportation of vegetables and fruits from the farming territory now proposed to be served. The testimony shows that it is important that these fruits and vegetables be shipped to the markets at Oakland with the least possible delay and that the auto truck service of applicants affords an expeditious transportation service which embraces the gathering of the shipments upon the various ranches in the territory served where the buyers representing the various commission houses have previously contracted for the crops and have to depend upon a truck service for direct and store door delivery. It was shown that the vegetables and fruit are loaded upon the trucks in the early and late afternoon and transported during the night time, arriving at Oakland in the early hours of the morning.

The American Railway Express Company offered in evidence its time schedules as now in effect in the territory proposed to be served by applicants and also offered evidence as to the character and kind of service rendered between the farming district sought to be served and Oakland.

After careful consideration of the evidence, we are of the opinion that the application should be granted.

## O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by L. A. Misener, Pete Winfield, Luke Winfield and W. F. Ely, as co-partners operating under the fictitious name of Misener Motor Drayage Company, of an automobile truck line as a common carrier of apples between Santa Cruz, Soquel, Aptos and Watsonville, including a radius of two miles from each point on the one hand and Oakland, California, on the other hand, during the fruit season only of each year and for the transportation of vegetables between Carmel, Monterey and Castroville, including two miles radius from each point on the one hand, and Oakland on the other hand during the fruit season of each year and for the transportation of vegetables and fruits between Alviso, Mayfield, Menlo Park, Atherton, Redwood City and Belmont, including two miles radius from each point on the one hand and Oakland on the other hand, all of said service to be a part of and as an extension to the existing operative rights now owned and operated by said applicants under Decision No. 9398 on Application No. 6730, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing truck service be and the same is hereby granted not as a separate and distinct service, but as supplemental, and in addition to ap-

plicants' present freight operative rights under said Decision No. 9398, and 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; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment 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 a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by L. A. Misener, Pete Winfield, Luke Winfield and W. F. Ely, co-partners operating under the fictitious name of Misener Motor Drayage Company, of an auto truck line for the transportation of vegetables and fruits between Winters, Vacaville, Fairfield and Cordelia, including two miles radius from each point on the one hand, and Oakland on the other hand and for the transportation of fruits and vegetables between Knightson, Oakley, Antioch and Concord, including two miles radius from each point on the one hand and Oakland on the other hand, during the fruit and vegetable

season only of each year, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing truck service be and the same is hereby granted, 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; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment 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 a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of August, 1925.

H. B. Brundage

George D. Squires

Leon Whitell  
Commissioners