

Decision No. 16065-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLIAM H. JORY for certificate of)
public convenience and necessity to) Application No. 11788.
operate Truck Line Express Service)
between Palo Alto and San Francisco.)

Rodgers & Smith, by W. H. Smith for Applicant.

L. N. Bradshaw, for Southern Pacific Company,
A. S. Weston, for American Railway Express Company,
Gwyn H. Baker, for Highway Transport Company,
Pioneer Gibson Express and Bekins Van Lines, Inc.,
J. E. McCurdy, for Peninsular Rapid Transit Co. and
Pacific Auto Stages, Inc.

BY THE COMMISSION:

O P I N I O N

In this matter William H. Jory seeks a certificate of public convenience and necessity authorizing the transportation of furniture and merchandise between Palo Alto and San Francisco and intermediate points. Applicant's equipment consists of one 1-ton Ford truck, his rates will be published on an hourly basis, and the service will be performed on call. A public hearing was held before Examiner Austin at Palo Alto on February 8, 1926, when evidence was offered, the matter was duly submitted and it is now ready for decision.

The applicant is engaged in the general trucking business at Palo Alto, occasionally making trips to San Francisco. He testified that he had purchased one additional one-

ton Ford truck, making two altogether, which will be devoted to this service. Applicant handles principally heavy shipments of radio appliances and equipment, weighing from 500 pounds to 1-1/2 tons hauled for the Federal Telegraph Company which has a plant at Palo Alto and a station at San Francisco. Applicant expects to devote most of his time to these shipments, but when none are offered he will haul mixed loads for other shippers. He has but one rate, namely \$3.00 an hour, which in the case of a mixed load will be divided between the shippers in proportion to the weights of their respective shipments. A representative of the Federal Telegraph Company testified that from time to time it became necessary to deliver special emergency shipments of radio apparatus to ships in San Francisco harbor, and due to the necessity of avoiding undue delay to the ships speedy transportation and delivery were imperative. Occasionally, emergency shipments have been hauled to the company's radio station in San Francisco. In the past this company has employed applicant for this purpose on an average of from two or three times monthly. Ninety-five per cent of their shipments have moved over other transportation lines, applicant being employed only to handle these emergency shipments. He stated that the other carriers were unable to offer so expeditious a service, and in addition required the machinery to be boxed or crated, a circumstance which added to the delay. No such requirement was imposed by applicant. The manager of a box factory at Palo Alto testified that applicant handled shavings from their plant at Palo Alto to a nursery at Menlo Park, handling such shipments on an average of four or five times a week during the summer months.

The granting of this application was protested by Pioneer Gibson Express, Highway Transport Co., Bekins Van

Lines, Inc., Pacific Auto Stages, Inc., Peninsular Rapid Transit Co., American Railway Express Co. and Southern Pacific Company. Pacific Auto Stages, Inc. and Peninsular Rapid Transit Co. withdrew their protests upon applicant stipulating that he would handle no passengers at any time. No testimony was offered on behalf of the Bekins Van Lines, Inc., presumably because applicant offered no evidence of any intention to transport furniture or household goods. The manager of protestant Pioneer Gibson Express Company testified that this line operated between San Francisco and San Jose and intermediate points, affording five daily schedules and providing seven trucks for the transportation of freight, serving Palo Alto, among other points, and giving a pick up and delivery service. Their trucks have ample space for handling additional shipments as they are running part empty. The vice-president and general manager of protestant, Highway Transportation Company, testified that this line operates a freight service between San Francisco and San Jose and intermediate points, including Palo Alto, making two trips daily each way, and having six trucks available for this service. Additional equipment is provided for the handling of emergency shipments. A representative of the operating department of protestant, Southern Pacific Company, described its freight service between Palo Alto and San Francisco, stating that freight received at San Francisco up to 4:00 p. m. will be available for delivery at Palo Alto at 7:00 a.m. the next morning, a special merchandise car being provided for this service. This protestant serves the San Francisco piers through its connections with the Belt Line Railway. The protestant, American Railway Express Company, operates 12 ser-

vices daily between San Francisco and Palo Alto.

In view of the adequate service rendered by the protesting carriers, there appears to be no public need for an additional common carrier service between Palo Alto and San Francisco. At most applicant has shown a need for the handling of emergency shipments of radio apparatus for the Federal Telegraph Company between Palo Alto and San Francisco. The other transportation in which he has been engaged was not shown to be of an urgent nature, nor does it appear that it can not readily be handled by the other carriers in this field. It seems apparent, however, that these carriers are unable to give the Federal Telegraph Company the emergency service which it requires, and applicant should, therefore, be permitted to engage in this service. In view of what we have stated, the certificate will be limited to this type of special service.

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 William H. Jory of an automobile truck service for the transportation of property for the Federal Telegraph Company only, and not otherwise, between Palo Alto and San Francisco.

An order will be entered accordingly.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the finding of fact which appears in the opinion preceding this

order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the oper-
ation by William H. Jory of an automobile truck service for the
transportation of property for the Federal Telegraph Company only,
and not otherwise, between Palo Alto and San Francisco.

IT IS HEREBY ORDERED that a certificate of public conven-
ience and necessity be and the same is hereby granted to said
William H. Jory for the operation of the service hereinabove
described.

IT IS FURTHER ORDERED that in all other respects said
application be and the same is hereby denied. The authority
herein granted is subject to the following conditions:

1. Applicant shall file his 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 assign-
ment has first been secured.
3. No vehicle may be operated by applicant herein unless
such vehicle is owned by said applicant or is leased
by him under a contract or agreement on a basis sat-
isfactory to the Railroad Commission.

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

Dated at San Francisco, California, this 3rd day of
March, 1926.

W. R. ...
C. ...

Leon Whitell

Commissioners.