

Decision No. 16491

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J. E. GARCIA for certificate of public convenience and necessity to operate automobile truck service for the transportation of fruits and vegetables between Oakland and San Francisco.)
Application No. 11174.)

Wesley W. Kergan, for Applicant.

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

BY THE COMMISSION:

ORIGINAL

O P I N I O N

J. E. Garcia has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of fruits and vegetables only between Oakland and San Francisco, said service to be a part of and an extension to applicant's present authorized operations between East San Jose and Oakland, under and by virtue of Decision No. 10261, in Application No. 7613.

A public hearing on said application was conducted before Examiner Satterwhite at Oakland, the matter was submitted, and is now ready for decision.

1.

Applicant proposes 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.

The American Railway Express Company protested the granting of said application.

Applicant testified in his own behalf and called other witnesses in support of said application.

The evidence shows that applicant has been hauling fruit and vegetables from various ranches over his present route to commission men at San Francisco for the past year and it appears that these commission men for whom he hauls in San Francisco formerly operated in Oakland. Applicant proposes under his proposed service to catch the first boat leaving Oakland and will deliver the farm produce at the commission houses when they open up for business in the morning. Applicant proposes and will have no back-haul.

The American Railway Express Company offered in evidence an exhibit showing its schedule of express service, both east-bound and west-bound, between the points proposed to be served by applicant.

After a careful consideration of all 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 J. E. Garcia of an automobile truck line as a
common carrier of fruits and vegetables only between Oakland
and San Francisco, said service to be as a part of and an ex-
tension to applicant's present authorized operations between East
San Jose and Oakland, under and by virtue of Decision No. 10281,
in Application No. 7613.

IT IS HEREBY ORDERED that a certificate of public con-
venience and necessity for the foregoing service be and the same
is hereby granted to said J. E. Garcia, not as a separate service,
but as an extension to his present authorized service, 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 at-
tached to the application herein; and shall com-
mence 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 as-
signed 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 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 16th
day of April, 1926.

H. P. Prudige

C. H. ...

Frank ...

Leon ...

Commissioners.