

Decision No. 16563

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN R. WEIR, doing business under)
the firm name and style of Weir Trans-)
fer & Storage for certificate of public) Application No. 12210
convenience and necessity to operate)
express and baggage service between)
Belvedere and other points in Southern)
California.)

Harry K. Smith, for applicant.

WHITSELL, Commissioner -

O P I N I O N

John R. Weir has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a motor truck service for the transportation of baggage, freight, household goods and furniture between Belvedere and points in Southern California.

A public hearing was held on this application at Los Angeles on April 7, 1926, the matter was submitted, and is now ready for decision.

Applicant, John R. Weir, testified that he operated a storage and general transfer business in Belvedere and that sufficient freight and baggage was offered him for transportation between Los Angeles and Belvedere to necessitate one or two trips daily. Operation has been so conducted by him for the past five years. When he was informed that a certificate was required in order to conform with the law, the present application was filed.

Applicant has two Ford trucks, one of which is specially equipped for the transportation of household goods and furniture. All operations are on demand. About fifty percent of applicant's business is transported between Los Angeles and Belvedere, forty percent within the municipality of Belvedere, and ten percent consisting of the movement of household goods and furniture from or to Belvedere and Southern California points. There is no regular operation, routes or fixed termini establish^{ed} for the

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latter class of business and the record shows that applicant neither offered nor has he transported any shipments to a number of cities in Southern California, hence the Commission is without jurisdiction over such class of operation and only the operation between Los Angeles and Belvedere need be considered.

Two residents of Belvedere testified in behalf of applicant, stating that they had known him for a number of years; that no other dependable carrier was in the vicinity; that they personally had used his service in the past and expected to have further need for it, and from personal observation they were satisfied that the proposed service was a necessity.

There were no protests against the granting of this application. After due consideration of the evidence, I am of the opinion and hereby find as a fact that public convenience and necessity require the partial granting of the certificate prayed for, in conformity with the following recommended order.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the finding of fact as appearing in the opinion which precedes this order:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of motor truck service, on call or demand, by John R. Weir, doing business under the name of Weir Transfer & Storage, for the transportation of freight between Belvedere and Los Angeles, and baggage between Belvedere and any depot at Los Angeles, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted, subject to the following provisions:

1- Applicant shall file within a period of twenty (20) days from date hereof his written acceptance of the certificate herein granted; shall file, in duplicate, his tariff of rates, rules, regulations and time schedules within a period of twenty (20) days from date hereof, such tariff of rates, rules, regulations and time schedules to be identical with those contained in the amended application, in form acceptable to this Commission; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

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

3- No vehicle may be operated by applicant under the authority hereby conferred unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after date hereof.

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 26th day of April, 1926.

W. B. Anderson
Clarence V. ...
Leon ...
COMMISSIONERS.