

Decision No. 16793

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
S. W. LINDERMAN, an individual, doing
business under the fictitious name of
S. W. LINDERMAN TRANSFER & DRAYAGE
COMPANY, for a certificate of public
convenience and necessity to operate
a motor truck service for the trans-
portation of fruits and vegetables in
either direction between San Francisco
and Colma, California, and San Francisco
and Oakland, California.

ORIGINAL

Application No. 12239.

J. T. Vizzard, for Applicant.

BY THE COMMISSION:

O P I N I O N

S. W. Linderman, doing business under the fictitious name of S. W. Linderman Transfer & Drayage Company, 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 between San Francisco and Colma and between San Francisco and Oakland.

A public hearing was conducted before Examiner Satterwhite on March 12, 1926, at San Francisco, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with Exhibit "A" attached to said application and to use the equipment described in Exhibit "B" attached thereto. Applicant

alleged in said application and showed at the hearing that no definite time schedule could be maintained in the operation of said service.

No one protested the granting of said application.

Several witnesses testified to the public necessity of the said proposed service. The testimony shows that applicant has been engaged in the transfer and drayage business in San Francisco for thirty years and that the greater portion of this business has been the transportation of fruits and vegetables, in the handling of which his employees are specially skilled. During the various seasons of the year applicant is the consignee for a large number of pool cars of vegetables and fruit which he distributes to various other consignees both in Oakland and in San Francisco. These shipments must be handled immediately after the cars are opened. The Colma Vegetable Association, which represents about eighty per cent of the growers in the Colma District, is the chief customer of said applicant, and there are other customers who require the services of applicant from time to time for the transportation of vegetables to and from Colma and to both Oakland and San Francisco.

After a careful consideration of the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed service by applicant and that the application should be granted,

ORDER

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 S. W. Linderman, doing business under the fictitious name of S. W. Linderman Transfer & Drayage Company, of an automobile truck line as a common carrier of fruits and vegetables between San Francisco and Colma and between San Francisco and Oakland.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted to said S. W. Linderman, doing business under the fictitious name of S. W. Linderman Transfer & Drayage Company, for the operation of the service hereinabove described, subject to the conditions hereinafter set forth, as follows:

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 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 satisfactory 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 28th day of May, 1926.

H. B. Brundage
C. Seaver
Ernest C. Pitt
Leon O. White