

Decision No. 18874

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of HARRY B. LEONARD for a certifi-  
cate of public convenience and  
necessity to operate a freight motor  
truck service between the town of  
Hollister and King City.

APPLICATION NO. 12033.

James Snell, for Applicant.

Gwynn F. Baker, for Highway Transport  
Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant is now operating under prescriptive right passenger and freight service between Tres Pinos and San Benito. He proposes to extend freight service from Tres Pinos to Hollister, a distance of seven miles; from San Benito via Dry Lake Road to King City, a distance of twenty-six miles, and from San Benito via Creek Road via L. G. Smith Ranch and Hernandez to Alpine Mine, a distance of twenty-six miles, and to pick up and deliver within seven miles of all roads, including the route between Tres Pinos and San Benito.

The service proposed is on demand only, without schedule and at the rate of \$2.75 per hour for a truck and \$3.75 for truck and trailer. Applicant possesses two trucks and his equipment operates from San Benito.

Applicant stipulated that he would give no service between Hollister and San Juan, whereupon the protest of the Highway Transport Company was withdrawn.

Applicant's present service and the extensions proposed are in a mountainous agricultural and livestock region, in a portion of which no other carriers offer service. It was the testimony of L. G. Smith, proprietor of a cattle, hay and grain ranch of 2000 acres, and Frank Leonard, having a stock ranch of 1100 acres, that a service such as proposed is needed. These witnesses testified that about 150 ranches along or near the routes proposed need facilities for transportation to and from King City and to and from Hollister, but that the shipments are, in the main, seasonal, and not frequent enough for scheduled operation.

The granting of the application was not protested by the Southern Pacific Railway, operating a branch line between Hollister and Tres Pinos. Applicant testified that he did not intend to give any service between these points, but only for consignments to or from Hollister and points beyond Tres Pinos.

The affirmative showing appears sufficient to justify the granting of the application herein, and an order to that effect will be entered.

#### O R D E R

Harry B. Leonard having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight motor truck service between the towns of Hollister and King City, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY  
DECLARES that public convenience and necessity require the estab-

lishment of motor truck service as proposed by applicant, for the transportation of freight of all kinds and descriptions, between Hollister and Tres Pinos, San Benito and King City and San Benito and Alpine Mine, with pick-up and delivery seven miles on either side of the roads traversed, as an extension and enlargement of his present operation between Tres Pinos and San Benito; provided, that no local or pick-up service be given between Tres Pinos and Hollister, over and along the following routes:

Between Hollister and Tres Pinos via main county road; between San Benito and King City via Dry Lake Road; between San Benito and Alpine Mine via Creek Road, Smith Ranch and Hernandez; and

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

- I. Applicant shall file with this Commission, within twenty (20) days from the date hereof, his written acceptance of the certificate herein granted as an extension and enlargement of his present operative rights, and not as a new or separate right.
- II. Applicant shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof, and shall commence operation of the service hereby authorized within a period of not to exceed thirty (30) days from date hereof.
- III. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- IV. No vehicle may be operated by applicant under the authority hereby granted 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 the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of June 1926.

H. B. Brundage

C. Seamy

Leon White

Commissioners.