Decision No. 17430

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of GEORGE AVELLAR for certificate of public convenience and necessity authorizing the operation of automotive truck service between points in Sonoma County and Oakland and San Francisco, California.

) Application No. 11754.

Chas. A. Beck, for Applicant.
W. J. Cummings, for Northwestern Pacific Railroad Co.,
Donald Geary and E. H. Maggard for Petaluma & Santa
Rosa Railway.
C. E. Brown, for San Francisco, Napa & Calistoga Railway,
George Baker, for American Railway Express Company.

BY THE COMMISSION:

OBINION

George Avellar has petitioned the Railroad Commission, in accordance with his amended application, for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of farm products between the farming district within a radius of twenty (20) miles of Sebastopol, Sonoma County, on the one hand, and Oakland and San Francisco on the other hand; also rock, sand and gravel between Maribelle Park and points within a radius of twenty (20) miles of Sebastopol; also fertilizer between Petaluma and the farms within twenty (20) miles radius

therefrom.

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

Applicant proposes to charge rates, in accordance with Exhibit A. attached to said application. Applicant does not propose to operate any regular time schedule, but equipment will always be available upon call. The equipment proposed consists of one 3-1/2 ton Mack truck and one 2-1/2 ton Mack truck, together with such additional trucks as traffic conditions may require.

In view of certain amendments, the Northwestern Pacific Railroad Company, the American Railway Express Company and the Petaluma & Santa Rosa Railway Company did not protest the granting of said application.

The evidence shows that applicant for six years last past has been engaged in the operation of motor trucks for the transportation of farm products and farm necessities within and between the territory sought to be served. It appears that applicant's operations have consisted chiefly of short hauls between farms and that the territory covered has been within a radius of about twenty (20) miles north and south of Sebastopol and about five (5) miles east and west thereof.

The record shows that applicant has engaged in considerable transportation of rock, sand and gravel from pits located at the Maribelle Gravel Works at Maribelle Park to points within a twenty (20) mile radius of Sebastopol and has also handled considerable fruit and grapes, also hay and

grain from the farming territory within a radius of twenty (20) miles of Sebastopol to the commission houses located in Oakland and San Francisco and applicant's return haul has consisted solely of the return of empty containers to shippers.

After consideration of the evidence, we are of the opinion that the service proposed is not an operation within the meaning of the Auto Stage & Truck Transportation Act in that it is not an operation between fixed points or over a regular route or routes and that, therefore, the application should be dismissed without prejudice.

ORDER

A public hearing have been held in the above entitled application, the matter having been submitted and being now ready for decision.

IT IS HEREBY ORDERED that this application be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 5th day of October, 1926.

Commissioners.