

Decision No. 17468

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of PACIFIC TRANSFER, VAN & TRUCK
COMPANY, a corporation, for cer-
tificate of public convenience and
necessity to operate motor truck
transportation service within a
radius of twenty-five miles from the
city limits of the city of San Diego,
State of California.

ORIGINAL

APPLICATION NO. 12058.

Harold W. Dill and C. K. Fitzgerald, for Ap-
plicant.

A. S. Weston and M. Thompson, for American
Railway Express, Protestant.

H. R. Harnish, for Boulevard Express, Protes-
tant.

F. B. Dorsey, for San Diego & Arizona Railway,
Protestant.

Richard T. Eddy, Intervening for Lewis & Lind-
ner in Application No. 10967, Protestant as to
any service between San Diego and El Centro.

BY THE COMMISSION:

O P I N I O N

Pacific Transfer, Van & Truck Company, a corporation, has
applied to the Railroad Commission for a certificate of public con-
venience and necessity to transport general merchandise, household
goods, pianos and baggage between San Diego and Coronado Beach,
North Island and the naval air station at Rockwell Field.

Public hearings herein were conducted by Examiner Wil-
liams at San Diego.

Originally applicant applied for a certificate covering radial operation for the transportation of the above mentioned commodities within twenty-five miles of San Diego, but at the hearing this was reduced by amendment to the transportation of the commodities on daily schedule between San Diego and the points named. Applicant corporation has conducted such transportation since its establishment in 1902, and in 1913 substituted trucks for horse-drawn vehicles.

According to the testimony of A. A. Nosler, vice-president of applicant corporation, applicant enjoys exclusive privileges at the terminals of the Santa Fe Railway, the Spreckels Company and the Los Angeles Steamship Company, for the transportation of baggage to and from their terminals. Testimony that this relationship has existed for many years was given by W. B. Frisbie, district passenger agent of the Santa Fe; M. J. Perrin, terminal agent for the Spreckels Company's wharves; and C. W. Skinner, city passenger agent of the Los Angeles Steamship Company. These witnesses testified that the service of applicant in the transportation of baggage had been highly satisfactory. H. R. Harnish, secretary of the Boulevard Express, testified that applicant receives, by transfer from this carrier, a great deal of baggage and handles it in a satisfactory manner.

With the exception of the testimony of Mr. Nosler, no testimony was introduced in support of the necessity for transporting articles other than baggage. His testimony was to the effect that applicant had transported all the commodities mentioned for many years via the ferry between San Diego and

Coronado, and that the purpose of seeking a certificate for this service was to bring it within the law.

The only regularly scheduled service is that for baggage and merchandise. The baggage service is three times daily and the transportation of merchandise is incidental to this when shipments are tendered to applicant at its warehouse. Other merchandise shipments are at time rates. It appears that this service has been held out and maintained for many years in good faith and there appears no reason why it should be discontinued. While applicant has proposed definite rates for pianos and baggage, no rates have been offered for merchandise except an hourly rate, clearly impractical in application where the merchandise is moved with baggage or pianos. Applicant therefore should file additional definite rates for the transportation of merchandise on the scheduled runs.

It was stipulated by applicant that the rates for baggage to and from North Island and Rockwell Field shall be the same as to Coronado Beach, with the addition of 50 cents for transporting trunks.

The protests of the American Railway Express, Boulevard Express and Lewis & Lindner were withdrawn at the hearing, and no other protestants offered objection to the granting of the application.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the operation of service as proposed by applicant and as limited in the order following, granting a certificate therefor.

ORDER

Pacific Transfer, Van & Truck Company, a corporation, having applied to the Railroad Commission for a certificate of public convenience and necessity to operate a motor truck transportation service between San Diego and Coronado Beach, North Island and Rockwell Field, public hearings 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 operation of motor truck service as proposed by applicant, for the transportation of baggage, pianos and general merchandise between applicant's terminals at San Diego and Coronado Beach, including North Island and Rockwell Field, over and along the following route:

Via ferry between San Diego and Coronado Beach, and via the highways leading to said ferry at either of applicant's termini; and

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

- I. Applicant shall file with this Commission, within twenty (20) days from date hereof, its written acceptance of the certificate herein granted; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in exhibit attached to the application herein, and, in addition, definite rates for the transportation of merchandise between its termini, 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.

II. 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.

III. 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.

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

Dated at San Francisco, California, this 13th day of October 1926.

H. R. ...
C. ...
...
Leon, ...
...
COMMISSIONERS.