

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of WAHL and BIANCHINI for certificate of public convenience and necessity to operate freight service within a radius of 24 miles of Hollister, California; also for permission to haul crude oil from the Associated Oil Company's pumping station located 3 miles west of Salinas, to Hollister.

ORIGINAL

Application No. 11660

Wahl & Bianchini, in propria persona,
E. Shillingsburg, for Southern Pacific Company, Protestant,
L. E. Kitts, for American Railway Express Company, Protestant,
A. M. Runnells, for H. J. Newkirk, J. F. Ross, Jr.
Louis F. Schrochetti and E. L. Berri.

BY THE COMMISSION:

O P I N I O N

Wm. Wahl, J. Bianchini, Jos Hills Wythe and R. E. Hoeler, co-partners, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of green and dried fruits, vegetables, farm produce, crude oil, smudge oil, spray oil and box shock between the points, places and communities named and designated on, over and along the said public roads and public highways described in the 17 respective routes from 1 to 17 inclusive, as specifically set out on pages one and two of said amended application, together with the right to serve

all points distant two miles on each side of said 17 routes and between all points and places on one route to all points and places on any of the other routes.

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

Applicants propose to charge rates in accordance with Exhibit "A" attached to said application. No definite time schedule is proposed, but applicants will operate at all times upon call both night and day. Applicants propose to use six trucks, including two oil tank trucks, together with at least six trailers as shown in Exhibit "C" of said amended application.

The Southern Pacific Company, the American Railway Express Company and Addison E. Elliott appeared as protestants at the outset of the hearing, but withdrew as protestants by reason of certain stipulations entered into during the hearing. The Southern Pacific Company and the American Railway Express Company withdrew all opposition to the proposed service of applicants by reason of the fact that said applicants stipulated and agreed that the proposed service over the 17 proposed routes should be limited to the transportation of the following commodities, viz.:

- (a) Spray oils and box shocks between Watsonville and Hollister and destinations on the herein described routes.
- (b) Fruit and produce from orchards located on the herein described routes to dryers or warehouses located at Watsonville, or vice versa.

- (c) Smudge oil between Gilroy and Hollister and destinations located on the herein described routes.
- (d) Green and dried fruit from orchards located on the herein described routes to dryers or warehouses at Gilroy, or vice versa.
- (e) Crude oil from Salinas to Hollister and intermediate points via San Juan, as well as to all destinations on the herein described routes.

Addison H. Elliott withdrew all opposition to the proposed service of applicants by reason of the fact that said applicants stipulated that they would not transport any consignment or individual shipment of freight under 500 pounds in weight between Hollister and Libby's Gate and intermediate points by the said Bird Creek road. The record shows that Addison H. Elliott is an authorized carrier of passengers and freight between Hollister and Cienga and intermediate points and it appears that the freight traffic handled by Elliott between his terminals consists of shipments always below 500 pounds in weight.

The record shows that Wahl and Bianchini for several years last past have been co-partners in the trucking business at Hollister and engaged primarily in the transportation of fruits and vegetables of all kinds from the farms in the territory proposed to be served to packing houses, canneries and dryers located at Hollister and Gilroy and vicinity. Wythe & Hoeler have also been for several years co-partners conducting a similar trucking business in San Benito County, transporting farm produce and farm supplies throughout a portion of the territory proposed to be served by said applicants. Applicants now desire to combine their trucking operations and hereafter operate their busi-

ness as one consolidated service.

The testimony shows that the heavy hauling which will be carried on by applicants will be in the period between June and October inclusive. It appears that the farms in the territory proposed to be served average in size about 25 acres and many farmers who appeared at the hearing testified to the effect that all of the applicants had always rendered a very satisfactory service in the transportation of their farm products, as well as the farm supplies needed in the territory. It was shown that large quantities of crude and smudge oil are transported from Gilroy and Hollister to the farms in the territory proposed to be served for the purpose of protecting the crops against frost. The record shows that there is shipped out of this territory about 60,000 tons a year, consisting in the main of fruit and vegetables and hay and grain, and for several years past the farmers have used the service of said applicants and desire the continuance of the same.

After a careful consideration of the evidence, we are of the opinion that the public convenience and necessity require the proposed service of said applicants and the application should be granted.

O R D E R

A public hearing having been held in the above entitled application, the matter having been 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 Wm. Wahl, J. Bianchini, Jos. Hills Wythe and R. E. Hoeler, co-partners, of an automobile truck line as a common carrier of green and dried fruits, vegetables, farm produce, crude oil, smudge oil, spray oil and box shock between the points, places and communities named and designated on, over and along the said public roads and public highways described in the 17 respective routes from 1 to 17 inclusive, as specifically set out on pages one and two of said amended application, together with the right to serve all points distant two miles on each side of said 17 routes and between all points and places on one route to all points and places on any of the other routes. Said routes are as follows:

- Route No. 1- Bell Station and Hollister and intermediate points via Pacheco Pass, State Highway, and San Felipe-Hollister roads.
- Route No. 2- Gilroy and Hollister and intermediate points via Hollister, Gilroy, Wright and San Felipe, Hollister roads,
- Route No. 3- Gilroy and Hollister and intermediate points via Pacheco Pass, San Felipe - Hollister roads.
- Route No. 4- Intersection Gilroy - Hollister Road and Shore Road and intermediate points via Shore, San Felipe-Fairview and Hollister- Santa Ana roads.
- Route No. 5- Hollister and Hollister and intermediate points via Hollister- Santa Ana, Hawkins, Enterprise- Tres Pinos, Sunny Slope Roads.
- Route No. 6- Hollister and Hollister and intermediate points via Buena Vista, Wright, San Felipe- Hollister roads.
- Route No. 7- Lone Tree School House and Hollister and intermediate points via Lone Tree, San Felipe- Fairview, McCloshey, San Felipe- Hollister roads.
- Route No. 8- Tres Pinos and Hollister and intermediate points via Southside, Hollister- Tres Pinos and Sunny Slope roads.

- Route No. 9 - Grass Valley, Vineyard and Hollister and intermediate points via Cienga, Bird Creek and Sunnyslope roads.
- Route No.10 - San Juan and Hollister and intermediate points via San Juan- Hollister State Highway.
- Route No.11 - Hollister and Hollister and intermediate points via Nash and Union roads.
- Route No.12 - Corner Santa Ana - Tres Pinos and Hawkins roads and Tres Pinos and intermediate points via Santa Ana- Tres Pinos and Buena Vista roads.
- Route No.13 - Los Muertos Ranch House and Tres Pinos and intermediate points via Buena Vista and Quien Sabe roads.
- Route No.14 - Peralto School House and Hollister and intermediate points via Panoche, New Idria, Panoche Pass, San Benito, Tres Pinos and Hollister-Tres Pinos and Sunnyslope roads.
- Route No.15 - Brown's Valley and Tres Pinos and intermediate points via Brown's Valley, Buena Vista, Quien Sabe and Buena Vista roads.
- Route No.16 - Watsonville to Hollister and intermediate points via State Highway, Duncan Lane cut-off and State Highway.
- Route No.17 - Associated Oil Company's Pumping Station, No. 2 and Hollister and intermediate points via State Highway.

Provided, however, that said applicants shall only transport the following commodities over the following routes, to-wit:

- (a) Spray oils and box shocks between Watsonville and Hollister and destinations on the herein described routes.
- (b) Fruit and produce from orchards located on the herein described routes to dryers or warehouses located at Watsonville, or vice versa.
- (c) Smudge oil between Gilroy and Hollister and destinations located on the herein described routes.
- (d) Green and dried fruit from orchards located on the herein described routes to dryers or warehouses at Gilroy, or vice versa.
- (e) Crude oil from Salinas to Hollister and intermediate points via San Juan, as well as to all destinations on the herein described routes.

Provided further said applicants shall not transport any consignment or individual shipment of freight under 500 pounds in

weight between Hollister and Libby's Gate and intermediate points
by Bird Creek road.

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

- 1- Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 2- Applicants shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.
- 3- 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.
- 4- No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them 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 the date hereof.

Dated at San Francisco, California, this 29th day of

October, 1926.

H. B. Brundage

C. Leary

Prosser
Commissioners.