

Decision No. 17928.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
C. W. GREGORY, for certificate of
public convenience and necessity to
operate freight service between Santa
Cruz and San Francisco.

ORIGINAL

Application No. 12758

Rittenhouse & Snyder, by Mr. Snyder, for Applicant.

Johnston & Netherton, for L. A. Thornewill, Protestant;
Edward Stern, for American Railway Express Co., Protestant;
L. N. Bradshaw, for Southern Pacific Co., Protestant;
Gwyn H. Baker, for Highway Transport Co., Protestant;
Harry A. Encell and Jas. A. Miller, for
Coastside Transportation Co., Protestant.

BY THE COMMISSION:

O P I N I O N

C. W. Gregory 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 certain commodities, viz.: eggs and poultry, incubators, ice cream cabinets, berries and vegetables from Santa Cruz to San Francisco and feed, hardware and groceries from San Francisco to Santa Cruz, also powder from Giant to Santa Cruz. Applicant does not propose to operate any intermediate service.

A public hearing on this application was conducted before Examiner Satterwhite at Santa Cruz, 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 operate a daily service leaving Santa Cruz at midnight and leaving San Francisco at four o'clock in the afternoon, in accordance with Exhibit "B" attached to said application. Applicant proposes to use as his equipment two Graham $1\frac{1}{2}$ ton trucks and one $2\frac{1}{2}$ ton Garford truck.

Southern Pacific Company, American Railway Express Company, Highway Transport Company, Coastside Transportation Company and L. A. Thornewill protested the granting of said application.

Applicant testified in his own behalf and called four or five witnesses in support of his proposed service.

The evidence shows that applicant's proposed operations are based upon a certain patronage which he has enjoyed, by virtue of private contracts, with a limited number of firms and business houses at Santa Cruz. These business houses sell a considerable amount of their products at San Francisco and also do considerable buying in that city.

The record shows that applicant's northbound hauling has consisted mainly in the transportation of eggs and poultry, incubators and ice cream cabinets, destined to San Francisco, and that on his backhaul he has carried feed and poultry supplies to these poultry shippers, as well as hardware, flour and groceries to other merchants and dealers at Santa Cruz. Applicant offered testimony to the effect that he had transported daily to San Francisco from March to June, 1926, for Williamson & Garrett, one

of his largest customers, 50 cases of eggs and that he had hauled also for Newhall & Littlefield Hardware Company about ten tons monthly to San Francisco. It appears that applicant has carried for this particular hardware firm about 75 per cent of all its shipments destined to San Francisco.

Applicant has carried also some fruit and vegetables to San Francisco for some of his Santa Cruz patrons and desires to carry fresh berries when they are in season. With reference to applicant's proposed service to carry powder to Santa Cruz, it appears that he has been using one of his trucks to haul this particular commodity from Giant about twice a month "upon call" only from Giant to Santa Cruz and a few way points.

The record shows that applicant has at no time sought business from the public generally and has never carried on a general trucking service, but has confined his operations almost entirely to those patrons with whom he has held contracts.

The record shows that this Commission on October 13, 1926, in its Decision No. 17469, on Application No. 12134, which was under submission for decision at the time the instant application was heard, granted a certificate of public convenience and necessity to Highway Transport Company for the transportation of all classes of freight (except berries, green fruits, vegetables, poultry and eggs from Santa Cruz and all intermediate points to and from San Francisco) between San Jose and Santa Cruz and Watsonville and intermediate points, except Los Gatos, on the line of the highway from San Jose via Los Gatos, Santa Cruz, Watsonville, Chittenden Pass and San Juan, as an extension and enlargement of its present service as authorized by Decision No. 15328, over and along the following route: By main highway via Los Gatos, Santa Cruz, Watsonville, Chittenden Pass

and San Juan.

The record discloses further that this Commission also on October 13, 1926, in its Decision No. 17451 on Application No. 12407, which was under submission at the time the instant application was heard, granted a certificate of public convenience and necessity to L. A. Thornewill for the transportation of berries, fruits, vegetables, poultry and eggs from Santa Cruz and Capitola to San Francisco, and a return movement of mill feed in sacks and empty containers from San Francisco to Santa Cruz and Capitola and for no other commodities or service over and along the following route: over the State Highway from Capitola and San Francisco via Glenwood, Alma and Los Gatos, and over the main County Highway between Los Gatos and San Francisco via Saratoga and Sunnyvale and returning over identically the same route.

After a careful consideration of all the evidence in this proceeding and in view of the foregoing decisions, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the proposed service of applicant and that the application should be denied.

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 do not

require the proposed service of applicant between Santa Cruz and San Francisco, or between Giant and Santa Cruz, and

IT IS HEREBY ORDERED that said application be and the same is hereby denied.

Dated at San Francisco, California, this 26th day of January, 1927.

Frank D. ...

H. B. ...

C. Seaver

Thomas D. ...

Commissioners.