

Decision No. 20322.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GIBSON'S EXPRESS, INCORPORATED, )  
 for permission to discontinue opera- )  
 tion of an automobile freight line ) Application No. 14707.  
 between San Francisco, San Jose and )  
 intermediate points. )

In the Matter of the Application of )  
 PIONEER EXPRESS COMPANY, )  
 a corporation, for permission to dis- )  
 continue pickup and delivery service ) Application No. 14708.  
 in the cities of San Francisco, Bur- )  
 lingham, San Mateo, Redwood City, )  
 Palo Alto, Santa Clara and San Jose. )

ORIGINAL

Thelen and Marris by Max Thelen, for applicants.

BY THE COMMISSION:

O P I N I O N

In these proceedings Gibson's Express, Incorporated, requests the Commission to revoke and annul its operative rights as a common carrier of property between San Francisco, San Jose and intermediate points, and Pioneer Express Company, a corporation, seeks permission to discontinue its pick-up and delivery service within the corporate limits of San Francisco, Burlingame, San Mateo, Redwood City, Palo Alto, Santa Clara and San Jose.

A public hearing was held before Examiner Cannon at San Francisco September 7, 1928, and the applications, having been duly submitted, are now ready for our opinion and order. By stipulation these proceedings were heard upon a common record.

and will be disposed of in one decision.

Both Gibson's Express and Pioneer Express Company are common carriers of property by auto truck between San Francisco, San Jose and intermediate points. The rights of the former company were acquired by virtue of its operations prior to and at the time the Auto Stage and Truck Transportation Act, Chapter 213, Statutes 1917, became effective, May 1st, 1917, while the latter company obtained its certificate of public convenience and necessity from S. B. McLenegan and C. S. McLenegan, copartners, by authority granted in Application No. 10131, Decision No. 13612, dated July 18, 1924, the copartnership having theretofore been authorized to serve the territory between San Francisco and San Jose by Decision No. 6042, dated December 30, 1918, in Application No. 3925.

Applicants now have on file a common tariff, C.R.C. No. 3, naming the rates, rules and regulations applicable to their common carrier operations in the territory here involved, in which both companies individually hold themselves out to perform a completed transportation service, including the pick-up and delivery of freight. The rates shown in the tariff are divided into three parts, the first providing for the pick-up service, the second for the line haul service between the terminals, and the third for the delivery service. Since January 1, 1927, Pioneer Express Company has been performing only a line haul service, while Gibson's Express, which is controlled by the same interests as the Pioneer Express Company, has been rendering the pick-up and delivery service within the corporate limits of San Francisco, Burlingame, San Mateo, Palo Alto, Redwood City and San Jose. The primary activities of the latter company are devoted to the drayage business within the municipalities just named.

A witness for applicant testified that in the future this method of operation will be continued, as the public interests do not require the two companies to individually render both a line haul service between the terminals and a pick-up and delivery service within the cities of San Francisco, San Mateo, Palo Alto, Redwood City and San Jose.

It is contended that inasmuch as the operations of Gibson's Express are, and for the future will be, confined entirely to a pick-up and delivery service within the corporate limits of these cities, and as the operations of the Pioneer Express Company will be devoted wholly to rendering a line haul service, the rights of the Gibson's Express should be revoked and annulled and the tariffs amended to provide only for the line haul rates of the Pioneer Express. The granting of the applications will not result in any increase in charges to the shipping public.

There were no appearances in opposition to the granting of the applications.

After careful consideration of all the facts of record we are of the opinion, and so find, that the applications should be granted.

#### O R D E R

These applications having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that the certificate of public convenience and necessity of the Gibson's Express, Incorporated, for the transportation of property between San Francisco and San Jose and the intermediate points acquired by virtue of operation

prior to and at the time the Auto Stage and Truck Transportation Act, Chapter 213, Statutes 1917, became effective, be and the same is hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that Pioneer Express Company, a corporation, be and it is hereby authorized to discontinue the pick-up and delivery service within the corporate limits of San Francisco, Burlingame, San Mateo, Redwood City, Palo Alto and San Jose as provided in Tariff C.R.C. No. 2 of the Gibson's Express, Incorporated, and Pioneer Express Company.

IT IS HEREBY FURTHER ORDERED that Gibson's Express, Incorporated, and Pioneer Express Company, a corporation, be and they are hereby authorized to unite in a common supplement to Tariff C.R.C. No. 3, the Gibson's Express, Incorporated, cancelling all rates, rules and regulations therefrom, and the Pioneer Express Company cancelling all tariff provisions relating to the pick-up and delivery service within the corporate limits of San Francisco, Burlingame, San Mateo, Redwood City, Palo Alto and San Jose.

Dated at San Francisco, California, this 24th day of October, 1928.

Leon Whidell

Chas. J. ...

Thos. J. ...

M. ...

Commissioners.