Decision No. 21981

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CONSOLIDATED MOTOR TRANSPORT COMPANY, EAST BAY DRAYAGE and WAREHOUSE COMPANY, INTER-URBAN EXPRESS CORPORATION, KELLOGG EXPRESS COMPANY, MERCHANTS EXPRESS and DRAYING COMPANY, PEOPLES EXPRESS COMPANY and UNITED TRANSFER COMPANY, for an order of the Commission declaring that applicants possess and may exercise an operative right for the transportation of property by automobile truck between San Francisco and Albany.

Application No.16175

BY THE COMMISSION -

OPINION and ORDER

In this application Consolidated Motor Transport Company, East Bay Drayage and Warehouse Company, Inter-Urban Express Corporation, Kellogs Express Company, Merchants Express and Draying Company, Peoples Express Company and United Transfer Company, all of whom are engaged in the business of transporting property by auto truck between San Francisco and east-bay points, have petitioned for an order of the Commission authorizing them to publish in tariffs filed by them with the Railroad Commission the city of Albany as a point of service.

It appears from the records that the applicants herein are operating under authority of rights established through operation prior to May 1, 1917. At that time the community now known as Albany was widely scattered. It was not shown as a rate or service point in the first tariffs filed by the applicants, but was shown in succeeding tariffs. It is now claimed by applicants that prior to May 1, 1917, and continuously since that date, they have served Albany, applying the rates shown in Zone 4 of their Oakland tariffs.

It is claimed by applicants that the failure to show Albany as a point served in C.R.C. No.1 was due to the lack of knowledge as to tariff construction prevalent in the early days of common carrier trucking regulation. They claim that Zone 4 covered the Albany territory. In 1925 Albany was shown in tariff filings as a district point.

Attached to the application herein is an affidavit by E. H. Hart, Secretary of the Alameda County Draymen's Association, supporting the contention of applicants as to the continuous service.

Under the circumstances, we believe that this application should be granted. It is not a matter in which a public hearing is necessary.

IT IS HEREBY ORDERED that Consolidated Motor Transport Company, East-Bay Drayage and Warehouse Company, Inter-Urban Express Corporation, Kellogg Express Company, Merchants Express and Draying Company, Peoples Express Company and United Transfer Company be and they are hereby authorized to publish tariffs showing the community of Albany as a service and rate point.

Dated at San Francisco, California, this 3 20 day of