

ORIGINAL

Decision No. 22298

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
the PACIFIC ELECTRIC MOTOR TRANSPORT)	
COMPANY for a certificate of public)	
convenience and necessity to operate)	Application No.16228
a motor freight service between San)	
Francisco, Oakland, Berkeley,)	
Emeryville, Richmond and Alameda on)	
the one hand, and Santa Cruz and)	
Capitola on the other.)	

C. W. Cornell and H. W. Hobbs, for Applicant.
 Douglas Brookman, for L. A. Thornewill.
 T. W. Springett, for Coastside Transportation Company.
 R. L. Hays, for Highway Transport Company.

LOUTTIT, Commissioner -

OPINION

This application, as amended, is an application by Pacific Motor Transport Company, a corporation, for a certificate of public convenience and necessity authorizing it to operate a common carrier auto trucking service between San Jose, and Santa Cruz and Capitola and intermediate points between Los Gatos and Santa Cruz and Capitola, inclusive, over the main highway, also to operate via an alternate route leaving the main Los Gatos-Santa Cruz Highway at Felton Road Junction, traversing Felton Road to Felton, thence over the Boulder Creek-Santa Cruz Highway to Santa Cruz, serving intermediate points enroute. No local service is proposed between Santa Cruz and Felton.

Applicant proposes to charge for the transportation of property between the points named the rates set forth in Exhibit "B", which is attached to the application herein and made a part thereof. The rules and regulations under which it is proposed to operate are also set forth in Exhibit "B".

Exhibit C, also attached, shows the proposed time schedule and the route between the points to be served proposed to be followed. Applicant claims that it is prepared, willing and financially able to secure all the equipment necessary to transport the tonnage offered for transportation between the points proposed to be served.

A public hearing was held at Santa Cruz at which hearing applicant amended its application by asking authority to serve points one mile off the highways over which the service is to be operated.

No one appeared to protest the granting of the application. Appearances "as interested parties" were, however, entered by carriers serving part of the territory proposed to be served by applicant. Company witnesses testified as to the type and extent of the service proposed to be performed and several shippers testified that they believed the service desirable and that they would use the service if it were established. Similar testimony by several other witnesses was stipulated to. The proposed service was also endorsed by the Santa Cruz Chamber of Commerce.

Giving the fullest consideration to the evidence offered in this proceeding, it does not justify an order of this Commission authorizing the proposed service. It is true that a number of witnesses testified that the proposed service was desirable; that they would use it, and it does appear from the evidence that convenience and necessity would be served to a certain degree by its establishment. There was offered, however, no evidence showing the extent of the patronage available; nothing to show that the tonnage available would make possible operation of a service that would prove compensatory. The granting of a certificate solely on a showing of convenience, even with a certain measure of necessity, such as

is the case in this proceeding, unsupported by evidence that operation of the proposed truck line would within a reasonable time prove compensatory, is a policy which this Commission should hesitate to adopt. I therefore recommend that the application be denied.

ORDER

A public hearing having been held in the above entitled proceeding, testimony taken and an order of submission made, and the Commission being fully advised,

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

The above Opinion and Order are hereby made the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 4th day of April, 1930.

C. B. Baum

Paul S. Lewis

W. J. Linn
COMMISSIONERS.