

Decision No. 22715.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

—o—o—

In the Matter of the Application of CONSOLIDATED MOTOR TRANSPORT COMPANY, a corporation, for a Certificate of Public Convenience and Necessity to operate an Auto-Truck Line for the Transportation of Property for Compensation, between San Francisco, Oakland, Alameda, Albany, Berkeley, Emeryville, Elmhurst, El Cerrito, Stege, Richmond, Piedmont, San Leandro, San Lorenzo and Hayward and Orinda, Moraga, Lafayette, Walnut Creek, Alamo, Danville and San Ramon, California, and intermediate points.

ORIGINAL

Application No. 16045.

A.B. Roehl and W.H. Kessler for Applicant.  
A.S. Hutchinson and L.N. Bradshaw for Sacramento Northern Railway and Western Pacific Railroad Company, Protestants.  
Edward Stern and W.S. Johnson for Railway Express Agency, Inc., Protestant.  
W.S. Johnson for Southern Pacific Company, Protestant.  
W.F. Brooks and J.A. Christie for Atchison, Topeka & Santa Fe Railway Company, Protestants.  
Harry A. Encell and Thos. M. Carlson for P. T. Johnson and Son, Interested Parties.

BY THE COMMISSION:

OPINION

Consolidated Motor Transport Company owns and operates an auto truck line for the transportation of property, as a common carrier, between Oakland and Richmond and intermediate points, and between Oakland and San Leandro and Hayward and intermediate points. It also operates a parcel delivery system between San Francisco and various trans-bay points including Oakland and Berkeley, and in addition thereto conducts a general drayage, trucking and storage business in San Francisco and in Alameda County.

By this application it seeks to extend its trucking service eastward from Oakland serving Orinda, Moraga, Lafayette, Walnut Creek, Alamo, Danville, San Ramon, Hayward and thence back into Oakland, such service to be operated in a loop in both directions from Oakland. It is proposed to operate one round-trip daily in each direction rendering a store-door pick-up and delivery service along the entire route and to consolidate said service with applicant's present service.

Public hearings were held by Examiner Cannon at Walnut Creek and San Francisco and the matter was submitted on briefs duly filed.

It is alleged in the application that there is an insistent demand for this service based upon the inadequacy of present rail service. The points proposed to be served within the extended area are now without any trucking service and must rely upon the rail lines for the transportation of property, according to the applicant.

The proposed service contemplates a daily pick-up of shipments in San Francisco and the immediate east bay territory up to 5:30 p.m., and the transportation of such shipments on applicant's trucks to its Oakland depot from whence they will be delivered to the various points on the following day. In the reverse direction shipments will be picked up at the various points during the afternoon, beginning at Hayward at one o'clock, and set down at applicant's Oakland depot at 5:45 p. m. Store-door pick-up and delivery service will be maintained along the entire route and within a distance of one-half mile on either side of the highway. Rates, rules and

regulations governing the proposed service are set forth in Exhibit "C" attached to the application.

The Traffic Manager for applicant company testified that his concern had received repeated requests for the proposed service, such requests coming both from San Francisco and Oakland shippers and San Ramon Valley consignees. He estimated that 125 shippers would use the service and that a daily tonnage of 12,500 pounds would be developed almost immediately, most of this business coming from shippers of freight who are now using their own trucks. The principal commodities moved are groceries, plumbing supplies, building materials, paint, pipe, etc. He submitted a statement of tonnage and cost indicating that the operating profit on a daily tonnage of 12,500 pounds, for example, would be \$16.22, based on 80 truck miles per day. Tabulations were also offered tending to show that freight charges of the applicant were lower than those of the rail lines, including cartage at both ends.

Applicant called five public witnesses, four from Walnut Creek and one from Orinda. Summarizing the testimony of these witnesses we find that at least four of them considered the proposed service a convenience but would continue to use their own private or leased trucks. One did not find rail service adapted to his business of shipping walnuts and vegetables, while another used such service constantly and found it satisfactory and necessary. Still another desired the service of applicant to ship eggs from his ranch near

Walnut Creek to the packing plant at Hayward and was of the opinion that other members of his Association would likewise use the service of applicant. The Orinda witness testified that no public transportation of any character was afforded that community, which is some six miles distant from the nearest rail point of Moraga.

Appearing in protest against the application were Sacramento Northern Railway, Western Pacific Railroad Company, Southern Pacific Company, Railway Express Agency, Inc., and Atchison, Topeka & Santa Fe Railway Company, although active opposition at the hearings emanated only from Sacramento Northern Railway and Southern Pacific Company. Walnut Creek, the most important point in the territory involved in the proposed extension, is served by two rail lines, Sacramento Northern and Southern Pacific, which render daily east and west bound freight service, and four east and west bound express services daily from and to San Francisco and Oakland. Orinda is the only point not served by rail. Rail service is overnight from the bay district.

Operating witnesses for protestant Southern Pacific Company testified that there is a daily car from San Francisco to points on its San Ramon branch, shipments leaving San Francisco on the 6:30 p. m. ferry boats and consolidated upon arrival at Oakland with freight from that point. This car moves out as part of a mixed train and arrives at Walnut Creek the following morning at 11:00 o'clock and at Danville

at 12:00 o'clock, and shipments are available almost immediately. A Sacramento Northern witness testified that shipments leaving Oakland at 7:45 p.m. are available at Walnut Creek and other points at an early hour the following morning.

The testimony of witnesses on behalf of protestant Sacramento Northern Railway was to the effect that the service of that carrier was adequate and satisfactory and that there appeared no necessity for additional service. As affecting the testimony of a witness who testified for applicant, the Traffic Manager of the Poultry Producers of Central California testified that it was the intention of his Association to install their own trucking service at Walnut Creek to handle the egg shipments of its members.

We cannot conclude from the record herein that there exists any appreciable demand for the service proposed by applicant. Its entire case rests upon the testimony of eight witnesses. Three of these were its own operating witnesses, one of whom testified at considerable length as to the amount of tonnage which might accrue to the applicant under the proposed service. Such testimony was based upon statements of shippers to this witness, but we do not have the direct testimony of a single shipper from San Francisco or Oakland as to what tonnage, if any, would be diverted by them to the applicant. The witness merely estimated the number of shippers who would use the service and the probable amount of their business. Of the other five witnesses, four were from Walnut Creek and vicinity and one from Orinda. Three of these five would use the service only to supplement their own

