

Decision No. 22977

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 INTER-URBAN EXPRESS CORPORATION for
 extension of its operative right to
 include El Cerrito and Vallejo, and
 to publish joint rates.

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)
) Application
) No. 16526
)

ORIGINAL

Gwyn H. Baker, for Applicant.
 Edw. Stern, for Railway Express Agency, Inc., Protestant.
 W. S. Johnson, for Southern Pacific Company and Railway
 Express Agency, Inc., Protestants.

BY THE COMMISSION -

O P I N I O N

Inter-Urban Express Corporation, a corporation, has petitioned the Railroad Commission for an order extending its present operative rights to include the cities of El Cerrito and Vallejo, and to publish joint rates between San Francisco and points reached by its lines.

Public hearings on this application were conducted by Examiner Handford at Oakland, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with Exhibit "A" as attached to the application; to operate a schedule of one round trip daily between Oakland and Vallejo, such schedule to be in addition to schedules now operated between Martinez and Oakland; and to use as equipment vehicles as now operated in connection with the other routes now operated by the applicant, an ample supply of equipment being now on hand to care for the extension of operative rights herein sought.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts: that there is no existing authorized motor truck service between Oakland and Vallejo although there is a constant demand by merchants of Vallejo

and Oakland for the establishment of such service to enable the merchants of Vallejo to receive a prompt and convenient method of receiving shipments from the eastbay communities; and that by the proposed addition of another truck to the schedule now operating an earlier delivery will be accomplished in Martinez and intermediate points resulting in a general improvement of the present service rendered.

E. S. Rasmussen, Secretary and Traffic Manager of applicant company, testified that the company had received inquiries for the delivery of small shipments at Vallejo, such inquiries originating principally at Oakland and very few, if any, at San Francisco. Witness estimates that his company will receive sufficient tonnage to warrant the extension of the line to Vallejo and to render the operation profitable. The witness was further of the opinion that the extension of the route would result in the securing of new business, not now transported by any authorized carrier, said new business consisting of at least fifty percent of the business available for the Vallejo extension.

The operative rights now held by the applicant are those contained in Decision No.16339, on Application No.12677, as decided March 30, 1926, and in Decision No.18293, on Application No.13551, as decided April 29, 1927.

At the final hearing on this application counsel for applicant requested a dismissal of the application insofar as same requested operative rights for the serving of additional territory, but desired that authority be granted for the publication of joint rates.

Although the granting of the portion of the application requesting the granting of authority for the publication of joint rates was not protested by the carriers represented in protest, we do not find from the record herein that an affirmative showing of public convenience and necessity has been made relative to the authority sought for the publication of joint rates which would justify the Commission in granting this portion of the application,

and the same will, therefore, be denied.

ORDER

Public hearings having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation by Inter-Urban Express Corporation, a corporation, of an automobile truck service, as a common carrier of freight, serving El Cerrito and points between Martinez and Vallejo, nor the publication by said applicant of joint rates between San Francisco and points on its presently authorized lines in Alameda and Contra Costa counties, and

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

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20th day of October, 1930.

Edgar
Winters
Leon
Winters

COMMISSIONERS.