

Decision No. 10176

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
RED LINE EXPRESS & TRANSFER COMPANY
for certificate of public convenience
and necessity to operate freight serv-
ice between Alameda County and San
Francisco, California.

Application No. 7467.

E. W. Hollingsworth for Applicant.
Edward Stern for American Railway
Express Company.
Myron Harris for Peoples Express,
Merchants Express, Kellogg Ex-
press, Drayage Service Corpor-
ation, Santa Fe Express & Dray-
age Co., and United Transfer Co.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at San Francisco upon the above application for authority to operate freight service between certain points in Alameda County and San Francisco, and to have the Commission determine whether or not applicant's operations bring him within the provisions of Chapter 213, Statutes of 1917.

It appears from the testimony that H. Davidson, doing business under the fictitious name of Red Line Express & Transfer Company, purchased a local transfer business in Oakland about February 13, 1916, and has continued the business ever since. His principal business is that of transporting freight between various points in Oakland, and also between Oakland and San Francisco, Emeryville, Berkeley, Richmond, and Alameda, they being separate but adjacent municipalities. Between the time of the

purchase of the business in February, 1916, and November 21, 1921, it was the practice of applicant to employ one or more of the above named transbay truck lines to transport most of the smaller packages offered him for transportation between San Francisco and Oakland. During this period, whether or not he transported the goods or had the work done by others, depended upon the size of the load, whether he had a return load, or how busy his trucks were in other drayage employment; the final test upon such occasions being whether or not it was financially advantageous or economical for him to handle the goods himself.

Since November 21, 1921, applicant has transported in his own trucks most of the goods entrusted to him for movement between San Francisco and east bay cities, approximately half of his gross revenue having been derived from that business since that date, as compared with about a fourth before that date.

Several of his patrons testified to the excellence of his service, his promptness and care, particularly in handling large electric signs from a factory in Emeryville, and in moving bankrupt stocks of merchandise, loose and uncrated, and that they need his service.

The nature of applicant's service before and after the adoption of the amendment to the statute, seems to have been the same, and that San Francisco, Oakland, and other east bay points referred to were the termini between which he operated in good faith before the enactment of the statute. There is but one direct route between San Francisco and Oakland, and that was the one he habitually used. However, having applied for express authority to continue his operations, it seems desirable to confirm his rights existing at the time of the adoption of the statute.

O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by H. Davidson, doing business under the fictitious name of Red Line Express & Transfer Company, of an automobile freight truck service between San Francisco and Oakland, Berkeley, Richmond, Alameda or Emeryville, or either of them.

The operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicant shall, within fifteen days from the date hereof, file with the Railroad Commission schedules and tariffs covering said proposed service, which shall be in addition to proposed schedules and tariffs accompanying the application; shall show each point proposed to be served and quote rates to and from each such point; and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 11th day of March, 1922.

[Handwritten signatures and initials]
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