

Decision No. 10,545

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of }
PAOLO PATANE for certificate of pub- } Application No. 7684.
lic convenience and necessity to op- }
erate fish freight service between }
Pittsburg and San Francisco. }

Paolo Patane, in propria persona.

L. N. Bradshaw, for Southern Pacific Company,
protestant.

Edward Stern, for American Railway Express
Company, protestant.

H. V. Alvarado, for Contra Costa County.

L. H. Rodebaugh and John J. Goldberg, for San
Francisco-Sacramento Railroad Company,
protestant.

A. A. Bowman, for California Transportation
Company and California Navigation and Im-
provement Company, protestant.

BY THE COMMISSION:

OPINION

Paolo Patane has petitioned the Railroad Commis-
sion for an order declaring that public convenience and ne-
cessity require the operation by him of an automobile truck
service as a common carrier of fish between San Francisco
and Pittsburg and intermediate points.

A public hearing on this application was conducted
before Examiner Satterwhite at Pittsburg. The matter was
submitted and is now ready for decision.

Applicant proposes to operate one trip daily, ex-
cept Sundays, leaving Pittsburg at 6:00 p. m., arriving at
San Francisco at 9:00 p. m., and to charge \$1.25 per box,
weighing approximately 150 pounds, and to use as equipment

one Reo Speed Wagon of one ton capacity.

Applicant testified in his own behalf and called two other witnesses.

The testimony of applicant shows that there are about eight fish dealers at Pittsburg who ship fish to San Francisco, two of whom upon solicitation by the applicant have agreed to patronize this proposed service. The two shippers who favor this service testified to the effect that fish when hauled by truck arrive at San Francisco in a little better condition than when transported by rail. Applicant made no complaint whatever against the adequacy of the service of the existing carriers by boat or rail, and testified that if this truck service was authorized it would afford him an opportunity to use his proposed equipment as a satisfactory means of livelihood. It appears that applicant's proposed rates would be about the same as the existing express rates.

The protesting rail carriers offered in evidence exhibits showing their respective time and rate schedules between the proposed terminals. The record shows that the fishermen arrive at Pittsburg daily, with their catch, about the middle of the afternoon, and that there are available shortly thereafter several trains of the protesting rail carriers for the adequate transportation of all fish offered. The American Railway Express handles express on a passenger train of the Southern Pacific Company leaving Pittsburg at 4:05 p. m., and on the Atchison, Topeka & Santa Fe at 5:17 p. m. The San Francisco-Sacramento Railroad Company operates daily many trains which carry express, two of which leave Pittsburg at 4:20 p. m. and at 6:13 p. m. The California Transportation Company operates two boats daily, touching at

Pittsburg, and on the down trip to San Francisco the boat leaves about midnight, and with very few exceptions arrives in San Francisco at or about 6:00 a. m. Several fish dealers, testifying for protestants, testified that both the rail and boat carriers had at all times and are now rendering an adequate and satisfactory service in the transportation of their fish to San Francisco.

After careful consideration of the evidence we are of the opinion and find as a fact that public convenience and necessity do not require the proposed service of said applicant and that the application should be denied.

ORDER

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

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

Dated at San Francisco, California, this 8th day of June, 1922.

H. H. Brundage

Charles H. Rogers
J. J. Linnick

Commissioners.