

SR

Decision No. 10624

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of JOSE TORRES for certificate of public convenience and necessity to operate passenger, express and baggage service between Giant and Richmond. } Application No. 7638.

Jose Torres, in propria persona.

L. Richardson, for Southern Pacific Company.

M. G. Lickteig, for American Railway Express.

D. J. Hall, for City of Richmond.

BY THE COMMISSION:

O P I N I O N

Jose Torres has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line, under the name of C. O. D. Auto Delivery, as a common carrier of passengers, express and baggage between Giant and Richmond and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Richmond, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits A and B, attached to said application, using as equipment one three-

quarter ton Ford truck.

The Southern Pacific Company and the American Railway Express Company protested the granting of this application.

Applicant testified in his own behalf, but called no other witnesses in support of his application.

The testimony shows that applicant is employed by the Giant Powder Company as a day laborer and rides to his work daily from his home in Richmond in his Ford truck, and has been and is now carrying free to Giant, milk from the Purity Creamery which is used by the Giant co-operative boarding house. It appears that applicant has also worked up a milk route at Giant and has also made, for compensation, occasional emergency deliveries of fruits and vegetables for the Giant boarding house. From time to time, it was shown, laborers at Giant have requested of applicant transportation to Richmond. The record shows, however, that the revenues of this proposed service would be small and that the service would only be operated incidentally to applicant's other work and occupation.

The Southern Pacific Company and the American Railway Express Company offered in evidence their respective rate and time schedules between the points proposed to be served. These schedules show a large number of eastbound and westbound passenger and express trains which arrive and depart at periods of the day well calculated to meet in the main all demands of passenger and express service.

Although this proposed service might be of some convenience to a few, both at Giant and Richmond, a consideration of all the evidence in this proceeding convinces us that the rail carriers are maintaining an adequate service and that no

public necessity exists for this additional service. Moreover, this Commission, under the circumstances shown in this proceeding, will not authorize an additional stage, passenger and express service which is not self-sustaining and is to be operated merely incidental to or in connection with another and different occupation. The application, therefore, will be denied.

O R D E R

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 23<sup>d</sup> day of June, 1922.

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*Dwight Martin*  
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*Robert H. Russell*  
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*J. H. Benedict*  
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Commissioners.