

MM

Decision No. 10663

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application )  
of KISO YASUNAGA for certificate )  
of public convenience and neces- )  
sity to operate fruit and produce )  
service between San Jose and San )  
Francisco. )

Application No. 7782.

BY THE COMMISSION:

- A. A. Rogers for applicant.
- S. M. Prime for San Francisco & San Jose Fruit and Produce Transfer Company, and Bay Cities Hauling Company.

O P I N I O N

A public hearing was held by Examiner Westover at San Francisco upon the above entitled application seeking authority to operate a freight truck service between San Jose and San Francisco via Redwood City.

It appears from the testimony that truck service between East San Jose, Wayne, Berryessa and vicinity was established in the summer of 1916 by Frank Fuji, and that in April, 1917, the applicant, Kiso Yasunaga, became a partner in business with Mr. Fuji. Two years later Mr. Yasunaga acquired the entire business, and has operated it continuously ever since; but the parties did not procure authority to make the transfer in 1919, nor did the applicant herein procure individual authority from the Commission to operate the line.

It appearing that any right which may have been acquired by Mr. Fuji or the succeeding partnership was abandoned by it when the partnership dissolved, and that the applicant has not heretofore acquired such rights, although the

service has been operated continuously since 1916, via San Leandro to Oakland, and via Redwood City to San Francisco, the present application was filed for the purpose of procuring formal and legal authority for continuing the operation. It appears that the applicant, who does not speak English fluently, only recently learned of the necessity for procuring such authority.

The testimony shows that the service is operated from the ranches of fruit and vegetable growers in the vicinity of East San Jose, Wayne, and Berryessa to the wholesale produce houses in San Francisco and Oakland so that these products arrive fresh in time for the market, which is held between 6:00 and 10:00 a. m. daily, except Sundays, a service which the railroad and the express company are not prepared to render. Other truck lines, however, operate in the same territory now being served by applicant, notably those of Bay Cities Hauling Company and San Francisco and San Jose Fruit Produce and Transfer Company, each of which, it appears from the testimony, is well equipped to handle the business, but is now operating to only part capacity, except for about two weeks during the height of the berry season. It further appears, however, that each of these lines can provide additional equipment if and when needed, and that five lines besides that of applicant, operating in the same general territory, give equally good service.

The two lines specifically referred to have heretofore received a considerable part of the business originating in this territory, but there has recently been organized an association of Japanese growers, with about seventy-five members, whose managers soon after organizing selected the applicant to do the hauling for the Association and its members. This was done without investigation or inquiry as to the facilities of authorized lines legally operating in the territory.

It clearly appears from the testimony that the two lines above referred to are legally engaged in serving the territory and furnishing good service, and that they are able to satisfactorily handle the traffic which may offer. There is no occasion, therefore, to grant authority to an additional line which has heretofore been operated illegally.

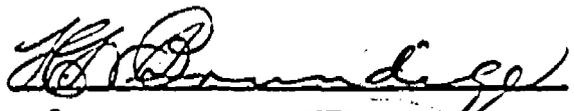
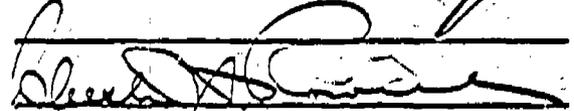
O R D E R

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

THE RAILROAD COMMISSION HEREBY CERTIFIES that public convenience and necessity do not require the operation by Kiso Yasunaga of an automotive freight truck line between Wayne, Berryessa, East San Jose or San Jose on the one hand, and San Francisco, via Redwood City on the other hand.

IT IS HEREBY ORDERED that the application be and it is hereby denied, and that applicant forthwith cease operating between the points and over the route hereinabove described.

Dated at San Francisco, California, this 6<sup>th</sup> day of July 1922.

  
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Commissioners.