

Decision No. 10709

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
J. A. COLLINS and L. E. SCHNEIDER
for certificate of public convenience
and necessity to operate automobile
freight truck service between Turlock
and Oakland and intermediate points.

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Application No. 7874
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Dennet & Zion for Applicant
L. N. Bradshaw for Southern Pacific Co. Protestant
Edwin Stern for American Railway Express. Protestant
Platt Kent for Atchison Topeka & Santa Fe Rwy, Protestant

BY THE COMMISSION,

O P I N I O N

J. A. Collins and L. E. Schneider, co-partners, have made application to the Railroad Commission in which they petition for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of fruit between Turlock, Ceres, Modesto, Manteca, San Joaquin Bridge and Oakland.

A public hearing was held before Examiner Eddy on June 12th, 1922, at San Francisco, at which time the matter was submitted and it is now ready for decision.

Applicants herein propose to operate two 2- $\frac{1}{2}$ ton trucks and two 2-ton trailers in the service proposed, leaving Turlock at 5 P. M. daily, except Saturdays during the fruit season, and to pick up fruit and products between Ceres and San Joaquin Bridge for delivery to commission houses in Oakland. They propose principally to handle melons out of Turlock and to charge a rate for such service of 40 cents for standard and pony crates and 20 cents for flat crates.

In addition to applicants, several fruit growers in Stanislaus County testified as to the requirements with respect to the movement of fruit between Stanislaus County points proposed to be served by applicants and Oakland commission houses. This testimony was principally directed to the effect that the fruit if compelled to move by rail depreciated in value due to time consumed in transportation and furthermore that it did not reach the Oakland markets in time for early morning business.

In addition to the points listed in applicants' proposed service, applicant Schneider testified that they also proposed to render a free pick up service to points four miles on either side of the highway provided that individual shipments consisted of one ton or more. If such individual shipments did not consist of one ton or more, fruit growers would be obliged to haul their products to the highway, deposit the same there until the truck was available to pick it up. This method of transporting fruit, we believe, would not prove satisfactory to shippers in that fruit cannot be left along side of the highway unguarded without resulting in material loss to the shipper. Furthermore, if trucks of applicants herein were fully loaded such shipments left along side the highway would be obliged to wait over for twenty-four hours unless applicants herein were able to lease additional equipment to care for the same. While applicants testified that they would be able to procure such additional equipment as may be required to handle all shipments, there is a serious question as to whether or not the proposed method of operation would prove satisfactory.

In addition to fruit growers, Mr. C. K. Little, Supervisor of Stanislaus County also testified in support of the application herein. In this connection, the Commission desires to call attention to the fact that on May 12th, 1922, there was

filed with the Commission a resolution unanimously adopted by the Board of Supervisors of Stanislaus County in which they went on record as being opposed to the granting of any further applications for certificate to operate trucks or stage lines over the highways in Stanislaus County.

The Southern Pacific Company, American Railway Express and the Atchison Topeka & Santa Fe Railway all protested the granting of the service as herein applied for and in support of their protest introduced testimony to the effect that each year prior to the movement of fruit from the district in question, a meeting is held at Turlock between representatives of the railroad company and various shippers and growers at which needs of shippers are considered and the railroad company establishes such service as shipping conditions require.

The American Railway Express Company introduced testimony to the effect that during the shipping season, ventilated cars were spotted at various fruit shipping points and were available for loading purposes during the afternoons and moved during the night to market points for early morning deliveries.

In view of the above conditions and the further testimony of witnesses called by applicants that the bulk of business proposed to be handled by applicants originates in the town of Turlock and not from ranches themselves, we are of the opinion that while the establishment of service as proposed herein might be an additional convenience to a limited number of fruit growers, it is not a necessity, nor required and that the present application should be denied.

O R D E R

Public hearing having been held, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the establishment of an automobile truck line as a common carrier of fruit between Turlock and Oakland and certain intermediate points,

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 15th day of July, 1922.

H. B. Blanding
Waring Martin
J. F. Dineen
Commissioners