

Decision No. 11183

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
W. M. HUFFMAN for certificate of pub-
lic convenience and necessity to es-
tablish automobile freight service as
a common carrier between Oakland and
Berkeley and Turlock and intermediate
points.

Application No. 7929.

Geo. J. Hatfield, by F. B. Wood, for
Applicant.

L. N. Bradshaw for Southern Pacific Co.

Edw. Stern for American Railway Express Co.

Platt Kent and B. Levy for Atchison, Topeka
& Santa Fe Railway Co. and Modesto &
Empire Traction Co.

Theodore Hart for Western Pacific Railroad
Co. and Tidewater & Southern Railroad.

W. J. Quinn for White Lines.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at San Francisco upon the above entitled application seeking authority to operate an automotive freight truck service as a common carrier of freight between Berkeley and Oakland, and Turlock and intermediate points.

Applicant proposes to operate two trucks and trailers daily, on a schedule leaving the terminals at 6:00 p.m.; the westbound truck arriving at Oakland at 2:00 a.m. and the eastbound truck arriving at Turlock at 4:30 a.m., and serving as intermediate points Dublin, Pleasanton, Livermore, Tracy, Manteca, Ripon, Salida, Modesto, Ceres and Keyes, and serving

Berkeley also as to cream.

This territory is now served by the Southern Pacific Company and by the American Railway Express Company operating on Southern Pacific passenger trains, except Dublin which is off the railroad. Freight shipments delivered to the railroad before 4:00 p.m. at Oakland are available for delivery at Turlock in 19½ hours, Modesto 16 hours, Salida 21 hours, Ripon 20½ hours, Manteca and Keyes 23 hours, Pleasanton 17 hours, and Livermore 18 hours after receipt, although shipments to Tracy and Ceres require 37 hours and 39 hours, respectively, for delivery at destination.

The express company serves Tracy and all of the above points south thereof, three times daily, with passenger trains, the time in transit being approximately four hours.

In addition, Oakland, Pleasanton and Livermore are served by the Western Pacific; and Manteca, Modesto and Turlock are served by the Tidewater & Southern in connection with the Western Pacific and Southern Pacific. The Santa Fe serves Oakland and Ceres, and also Modesto in connection with the Modesto & Empire Traction Company.

There is some complaint of the present express service between Oakland, Pleasanton and Livermore because of the fact that the Oakland wagon service does not permit of forwarding shipments on train No. 38 leaving Oakland at 4:31^{p.m.} and leaving Livermore at 6:00, unless the calls are received before 2:30 p.m. Calls received after that hour are picked up and shipped the following morning on trains reaching Livermore at 9:28 a.m. or at 10:25 a.m., and delivered to merchants about a half hour later.

The testimony also showed to the express company that some improvement could be made in its pick-up service in outlying

business districts in Oakland by a change in routing, an improvement which it assured the Commission would be made at once.

While applicant is prepared to give a later pick-up service in Oakland, his proposed schedule does not permit of truck deliveries en route during the night or early morning hours, as it does not satisfactorily appear from the testimony that the principal business houses are open at any of these points upon arrival of his trucks or that facilities are provided for early morning delivery the following day.

By Decision No. 8892 of April 20, 1921, upon Application No. 6476, applicant was authorized to transport butter and cream only between Turlock, Oakland and Berkeley. The above authority was revoked by Decision No. 10454 of May 13, 1922, after a public hearing upon an order directing the applicant to show cause why his authority should not be revoked because of illegal operation shown at the hearing upon Application No. 7626 which is very similar to the present application. Applicant testified herein that his trucks have been idle since the effective date of the order revoking his authority; nevertheless it does not appear from any testimony in this proceeding that the shipping public has suffered any inconvenience during suspension of his authorized operation. No adequate showing of public need for additional service in the territory in question was made. There is a considerable daily movement of butter from the creamery at Ceres to Oakland, by truck to Stockton, and thence by water to Oakland, but it appears from the testimony that it now arrives in good order, although under applicant's proposed schedule it would move faster and wholly at night and at about the same rate.

C 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 W. M. Huffman of an automotive freight service as a common carrier between Turlock and Oakland and Berkeley, or any intermediate points.

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

Dated at San Francisco, California, this 31st day of October, 1922.

H. H. Brundage
Spiving Martin
Charles D. Spence
W. H. Wendell

Commissioners.