

ORIGINAL

Decision No. 6235

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
SAN FRANCISCO AND SAN JOSE EXPRESS)
CO., for certificate of public con-)
venience and necessity to operate)
express and freight service between)
San Francisco and San Jose.)

Application No. 3679.

J. F. Devault for Applicant.

John F. Willard for Gibson's
Express Company, Protestant.

BY THE COMMISSION

O P I N I O N

San Francisco and San Jose Express Company have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of express and freight between San Francisco and San Jose and intermediate points.

Public hearings were held by Examiner Encell, the matter was duly submitted and is now ready for decision.

This application was originally filed on behalf of a partnership consisting of J. W. Kelley and W. R. Casey.

At the hearing on the application, request was made to amend the application on behalf of a corporation, which was to be formed. A corporation, under the name of San Francisco and San Jose Express Company, has been formed and such corporation succeeds the partnership heretofore requesting the certi-

cate of public convenience and necessity.

Applicant propose to charge rates in accordance with a schedule accompanying this application and marked exhibit "A" and to operate on a schedule of one round trip per day using as equipment one Fageol truck, 30 H. P., four ton capacity, other equipment to be added as the requirements of business may demand.

Applicant has made a traffic investigation and has received assurances from many merchants that a service of the character proposed to be rendered is desirable in that same will eliminate complaints regarding delay in delivery of consignments, which may be forwarded by the line of the Southern Pacific in the territory between San Francisco and San Jose and intermediate points.

The San Francisco Chamber of Commerce, by its attorney and manager of the traffic bureau, is of the opinion that the establishment of additional service in the territory between San Francisco and San Jose by automobile trucks will directly benefit San Francisco merchants and manufacturers.

The granting of the desired certificate is opposed by Gibson's Express Company, Inc., this company claiming that it has adequate equipment to satisfactorily handle any business which may offer between San Francisco and San Jose.

The evidence shows that the service of protestant, Gibson's Express Co., Inc. has been inadequate and unsatisfactory. Testimony was introduced showing that firms in San Francisco depending upon said protestant for transportation of their merchandise had been unable to secure prompt or satisfactory service. Furthermore testimony was introduced to the effect that approximately 12,000 pounds of freight daily were moved

between San Francisco and San Jose in May 1918 by two parties who are before the Commission seeking certificates and that this movement was due to the poor and inadequate service rendered by protestant, Gibson's Express. There appears also, a desire on the part of merchants and shippers for additional service of the character contemplated by the applicant herein, some shippers formerly using Gibson's Express having placed their own trucks in service for the delivery of their commodities, and in other instances having contracted their hauling to independent carriers. The traffic between San Francisco and San Jose is sufficient to warrant the establishment of a line such as proposed by applicant herein and under proper supervision and management such traffic will be increased. Applicant herein already has contracts from large shippers, some of whom formerly operated their own equipment for the reason that they could not secure the class of service that was desired.

Applicant has secured permits from the Boards of Supervisors of the Counties of San Mateo and Santa Clara and the City and County of San Francisco; from the City Councils of the Cities of San Jose and Palo Alto; from the Boards of Trustees of the Cities of Daly City, San Mateo, Burlingame, San Bruno and South San Francisco; the towns of Redwood City, Mayfield, Mountain View, Santa Clara and Sunnyvale in accordance with the provisions of Section 3 of Chapter 213, Laws of 1917, as evidenced by certified copies thereof which have been filed herein by the applicant in this proceeding.

After careful consideration of all the evidence in this proceeding, we are of the opinion and find as a fact that public convenience and necessity require the operation by

San Francisco and San Jose Express Company, a corporation, of an automobile truck line as a common carrier of express and freight between San Francisco and San Jose and intermediate points in accordance with the conditions appearing in the following order.

O R D E R

San Francisco and San Jose Express Company, a corporation, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile truck line as a common carrier of express and freight between San Francisco and San Jose and intermediate points, public hearings having been held, the matter having been duly submitted and the Commission being fully advised and of the opinion that this application should be granted,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by San Francisco and San Jose Express Company, a corporation, of an automobile truck line as a common carrier of express and freight between San Francisco and San Jose and intermediate points; provided, however, that the rights and privileges herein granted may not be transferred or assigned unless the written permission of the Railroad Commission to such transfer or assignment has first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this permit unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 3^d day of April, 1919.

Edwin O. Edgerton
H. J. Preland
H. V. B. ...
Dwight Martin

Commissioners.