

ORIGINAL

Decision No. 6831.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
R. A. BARNETT, J. LYNCH and M. D.)
JONES, co-partners, doing business)
under the firm name and style of)
"Eastern Truck Line", for a certi-)
ficate of public convenience and)
necessity.)

Application No. 4674.

Edward L. Kirk for Applicant.

Harry T. Hennessey for Southern Pacific Railroad.

BY THE COMMISSION

O R D E R

R. A. Barnett, J. Lynch and M. D. Jones, co-partners, proposing to do business under the firm name and style of "Eastern Truck Line", 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 freight and express between Oakland, Pleasanton, Livermore and intermediate points.

A public hearing on this application was conducted by Examiner Handford at San Francisco, on July 25, 1919, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in this proceeding and to operate on a schedule of one round trip daily, except Sundays and holidays, serving the intermediate communities at San Leandro, Hayward, Dublin, Santa Rita Junction and Pleasanton and using as equipment one locomobile truck of

five tons capacity, 40 H. P., licensed by State Motor Vehicle Department under License No. 375621 and one Sterling truck, three and one half tons capacity, 29 H. P., licensed by State Motor Vehicle Department under License No. 371534.

Witnesses for applicant testified as to the desirability of truck service for the transportation of freight and express matter particularly as regards the shipment of vegetables and other perishable products and also testified that deliveries via the rail routes were uncertain and consumed an undesirable length of time and also were more expensive to consignee in that a rate of seventy five cents per ton was assessed by local draymen at Livermore covering transportation between the railroad station and stores of merchants in such community. It was also testified that the character of service, as proposed by applicants, same heretofore having been rendered under contract with merchants in the community proposed to be served, was extremely satisfactory and fully met the requirements of the public desiring transportation and that the railroad service heretofore given had not been satisfactory due principally to the adoption by the United States Railroad Administration of a system of so called "sailing days" by reason of which freight has heretofore been transported in the territory for which applicant desires certificate three times per week on alternate days.

The granting of the desired certificate is opposed by the Southern Pacific Company on behalf of its lessee, the United States Railroad Administration, on the basis that adequate service at reasonable rates is offered the public over the lines of the Southern Pacific Company and the Western Pacific Railroad. A freight service of one train each way per day on each of the

railroads and a passenger train service on which express is carried being available on the Southern Pacific Company on a basis of four trains east bound and three trains west bound, two passenger trains in each direction being available on the line of the Western Pacific Railroad, both of which carry express. The freight rates of the railroad lines for the first four classes are the same as those proposed by applicant herein. The express rates on the rail lines are as follows:

First Class	Second Class	Special Commodity Rate Applicable to Milk
per cwt. 88 cents	per cwt. 54 cents	per cwt. 19 cents.

Witnesses for protestant, Southern Pacific Company, directed attention to commodity rates on car load lots of merchandise such as flour, grain, fresh fruit, etc., which were on a considerable lower basis than class rates proposed by applicants for less than car load shipments.

The service proposed by applicants is comparable to that rendered by the American Railway Express over the lines of the Southern Pacific Company and the Western Pacific Railroad with the additional advantage of local pick-up and delivery in the communities to be served other than the terminal in the City of Oakland. Applicant at the hearing on this proceeding withdrew from consideration the proposed express rate which was scheduled at 80 cents per cwt., and requested consideration of the application on the basis of the four class rates which are comparable to the class rates for freight shipments via the rail lines.

The evidence in this proceeding indicates that a desirable express service at freight rates is offered to the

communities along the route herein sought by applicants with the added advantage to the shipping public of pick-up and delivery to the communities to be served outside the City of Oakland and we are of the opinion that the application should be granted.

The Railroad Commission hereby declares that public convenience and necessity require the operation by R. A. Barnett, J. Lynch and M. D. Jones, co-partners, proposing to do business under the firm name and style of "Eastern Truck Line" of an automobile truck service as a common carrier of freight and express between Oakland, Pleasanton, Livermore and intermediate points; provided, however, that the rights and privileges herein granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

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

Dated at San Francisco, California, this 30th day of July, 1919.

Edwin O. Edgerly
H. J. ...
Frank ...

Commissioners.