

ORIGINAL

Decision No. 6919.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of  
FRED LUDEKINS for certificate of  
public convenience and necessity to  
operate express service between  
Martinez, California, and San  
Francisco, California.

Application No. 4909.

W. H. Hanlon for Applicant.

Harry T. Hennessy for United States Railroad  
Administration; Southern Pacific Railroad,  
Protestant.

BY THE COMMISSION:

O R D E R

Fred Ludkins has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of express between San Francisco and Martinez and intermediate points.

Public hearings on this application were conducted by Examiner Handford at San Francisco on September 29 and November 1, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and attached to the application in this proceeding, and to operate on a schedule of one round trip, daily except Sundays and holidays, serving as intermediates

the communities at Oakland, Stege, San Pablo, Pinole, Rodeo, Selby, Valona, Crockett, and Port Costa, using as equipment one Geo Automobile of 1500 lb. carrying capacity.

Applicant has been engaged in the business of a messenger for the past eleven years and is now so operating between Martinez and San Francisco, soliciting orders from merchants which orders are brought to San Francisco, purchases are made either direct or for the account of merchants and goods are taken to Martinez and other points in the afternoon and evening of each day. Applicant alleges his business has grown to such an extent that it is now necessary to install a truck service and it is contemplated to serve intermediate communities with the special messenger service.

Merchants doing business in the towns of Crockett and Martinez testified as to the service heretofore rendered by applicant and as to the satisfactory results obtained from the personal service. Petitions signed by merchants in Martinez, Port Costa and Crockett stated that the service as heretofore rendered was a decided advantage, the applicant personally making purchases and if necessary advancing the money for goods, making delivery on the same day that order is placed with him. The Railroad Commission is urged to grant the application on the basis that the business has grown to such an extent that a motor vehicle is necessary for the delivery of the merchandise.

The granting of the desired certificate is opposed by the United States Railroad Administration on behalf of its lessors, the Southern Pacific Railroad and The American Railway Express Company. The American Railway Express Company operate by means of the trains of the Southern Pacific Railroad a service of four round trips daily between San Francisco and Martinez serving all intermediate points. The Express Company also offer the same facilities

in the way of purchases and delivery in response to orders that are at present offered by applicant and for which an increased service is proposed. The rates proposed by applicant are slightly less than those of the American Railway Express Company, although the limited personal service is doubtless more familiar to the merchants of Martinez, Port Costa and Crockett than is the service which has always been available by the American Railway Express Company and its predecessor, Wells Fargo and Company Express.

We are of the opinion that the service heretofore rendered by applicant has been satisfactory to the limited clientage served. Applicant, however, now desires to expand his service and to cover more intermediate territory and to use his own equipment for the transportation of merchandise which may have been purchased upon orders of his clients. Heretofore applicant has relied upon the facilities of a recognized carrier for the transportation of the goods purchased upon customer's order, such carrier operating a number of trains, all of which offered facilities available to the merchants direct and to the applicant in connection with his scheme of purchasing and delivery. The fact of applicant's desire for expansion of this business and the carriage of his purchases in trucks may result in a satisfactory service at present being reduced to an indifferent service in that the personal attention heretofore given may not be possible when applicant endeavors to cover a wider territory with this particular class of service.

While it is the opinion of the Commission that this application should be granted, such approval will be conditioned as specifically set forth in the following declaration.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Fred Ludkins of an automobile truck service as a common carrier of express

packages between San Francisco and Martinez and intermediate points; provided, however, that applicant shall, within thirty days from the date of this order, commence the operation of the line for which this certificate is granted. It is further provided 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 procured.

IT IS HEREBY ORDERED that in the event of establishment of service for which authority is hereby granted that no cessation or suspension of such service may be made unless the consent of the Railroad Commission to such cessation or suspension has first been procured.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated under this certificate 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 9<sup>th</sup> day of December, 1919.

Emilio C. Edgerton  
H. L. ...  
Frank R. ...  
James ...

Commissioners.