

Decision No. 7300

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
F. A. Hodges for certificate of public
convenience and necessity to operate
freight service between San Juan
and San Jose.

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Application No. 5270
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Appearances:

F. A. Hodges, in propria persona.
F. B. Austin, for Southern Pacific Company,
Protestant.

BY THE COMMISSION:

O R D E R

Petitioner herein asks that the Railroad Commission
make its order declaring that public convenience and necessity
require the operation of an auto freight truck service between
San Jose and San Juan.

A public hearing was held in San Jose on March 15, 1920,
before Examiner Geary. The petitioner has been engaged in this
service subsequent to May 1, 1917, and under the provisions of
Chapter 213, Laws of 1917, and the orders of this Commission in
Case No. 1110 should, in order to have perfected his rights, file
a tariff of the rates being assessed and a schedule showing the
running time of the truck. The testimony of applicant was to
the effect that he has been in the teaming and auto business between
Sargent and San Juan and San Juan and San Jose during the past
fifteen years. One two ton truck is now in the service and makes
one or more trips per week between San Jose and San Juan to meet the
demands of shippers. Rates assessed as shown by application are 20
cents per 100 pounds between San Jose and San Juan and 10 cents per

282

100 pounds between Sargent and San Juan. Testimony was given by another witness engaged in the produce business to the effect that the freight truck furnished a necessary service and was of great convenience inasmuch as the tonnage was picked up and delivered at store door, involved no transfer or damage and was quicker and a more satisfactory service than that rendered by the Southern Pacific Company. In the shipping of freight by rail from San Jose it is necessary to furnish a truck between the store and the depot and another truck to handle from Sargent to San Juan, the latter being a distance of $5\frac{1}{2}$ miles. The charges of applicant are lower than the aggregate hauling and rail charge accruing when movement is by the Southern Pacific Company. The Southern Pacific Company does not reach San Juan, the nearest point being Sargent. In protesting the application the Southern Pacific Company gave testimony explaining the manner of handling freight by its trains, times schedules and the rates. As already stated, petitioner initiated this service many years ago prior to the effective date of Chapter 215, Laws of 1917, and as far as the records of this Commission show, operates the only line giving a regular service as a common carrier of freight between San Jose and San Juan and we therefore believe that the application should be granted.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by F. A. Hodges of an automobile freight truck service as a common carrier between San Juan and San Jose .

No transfer or assignment of the rights and privileges hereby granted may be made unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

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

The Railroad Commission reserves the right to make such further and other order in this proceeding as to it may seem just and proper or in its opinion public convenience and necessity may demand.

Dated at San Francisco, California, this 27th day of March, 1920.

Edwin O. Edgerton
H. D. Long
Frank R. Allen
H. N. Bourdige
COMMISSIONERS.