

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application)
of Bay Cities Transportation Com-)
pany, a corporation, for a certif-)
icate of public convenience and)
necessity to operate freight motor)
trucks between Alviso and San Jose.)
Palo Alto, Mt. Eden and Decoto and)
the intermediate points.)

APPLICATION NO. 5453.

BY THE COMMISSION:

James A. Ballentine, for Applicant.
Harry A. Encell, for Oakland-San Jose Express.
Frank B. Austin, for Southern Pacific Company, Protestant.
Walter H. Robinson, for Pioneer Express Co. (S.B. McElonegan & Son),
and Gibson Express, Protestants.

O R D E R

In this application the Bay Cities Transportation Company, a corporation, applies for a certificate of public convenience and necessity to operate an automobile freight service between Alviso and San Jose, Palo Alto, Mt. Eden and Decoto and the intermediate points.

A public hearing was held at San Francisco on April 8, 1920, before Examiner Geary, the matter was duly submitted after argument and is ready for a decision.

Petitioner is now operating freight boats between San Francisco and Oakland and intends, if this application be granted, to establish a freight service by water between San Francisco and Alviso, from which point the automobile trucks will start. The law does not require a certificate of public convenience and necessity to operate vessels, and therefore this arm of the service may be commenced at any time. It will be available at published rates to all shippers offering tonnage at either terminal.

The manager for applicant testified that the company proposed to operate its boats out of San Francisco, leaving at 5 p.m. daily except Sunday, and on the return trip will arrive at San Francisco early the next morning. A warehouse is to be maintained at Alviso for the receipt and delivery of freight, and tonnage will be disposed of the day following its acceptance. Petitioner's route is to extend from Alviso to Mt. Eden and Decoto on the east side of San Francisco Bay, to Palo Alto on the west side and to San Jose on the south, serving all of the intermediate territory with such freight trucks as the tonnage offered may make necessary.

A number of witnesses appeared in support of the application, many of them traffic managers of San Francisco wholesale grocery firms. Their testimony was to the effect that a public necessity exists for the new route, that it would be of great benefit to the San Francisco shippers and receivers of freight and urged that the certificate be granted.

Protests against granting the certificate herein were filed by the Southern Pacific Company, Pioneer Express Company, Gibson Express and Oakland-San Jose Express Company.

The Southern Pacific Company entered into a detailed analysis of its train schedules and rates, while the other protestants explained the operation of their cars and the manner in which the freight is handled. Protestants contend they are rendering good service, handling such tonnage as is offered and that this competitor should not be permitted to further divide the business.

However, in this proceeding the testimony indicated that a number of truck companies are operating in the territory between

fixed termini over a regular route in violation of the law, inasmuch as certificates have not been obtained nor tariffs filed. No direct complaints have been presented to the Commission, nevertheless the matter will be given consideration.

The auto freight service to be established by this applicant from Alviso is entirely distinct and different from any now in effect and, in connection with the boat line between San Francisco and Alviso, will furnish a means of transportation not now available and to some extent relieve the highways of the freight tonnage.

We find as a fact from the record herein that public convenience and necessity require the operation of an automobile freight truck service between Alviso and Mt. Eden, Decoto, San Jose, Palo Alto and the intermediate points. The application for a certificate will be granted.

IT IS HEREBY DECLARED that public convenience and necessity require the establishment of an automobile freight service between Alviso and Mt. Eden, Decoto, San Jose, Palo Alto and intermediate points and that a certificate of public convenience and necessity should be issued and the same hereby is issued, subject to the following conditions:

1- That the applicant, Bay Cities Transportation Company, a corporation, shall file with the Railroad Commission a written acceptance of this certificate within twenty (20) days from the date of service hereof, and that operation of such service will commence within ninety (90) days from the date of service hereof.

2- That the applicant, Bay Cities Transportation Company, a corporation, will be required to immediately file a tariff of rates, rules and regulations and a time schedule, in accordance

with provisions of General Order No. 51 and other regulations of the Railroad Commission.

3- That the rights and privileges hereby authorized may not again be leased, transferred nor assigned unless the written consent of the Railroad Commission to such lease, transfer or assignment has first been secured.

4- That no vehicle may be operated by the applicant, Bay Cities Transportation Company, a corporation, unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 26th day of April, 1920.

H. L. ...
Frank ...
H. R. ...
Commissioners.