

ORIGINAL

Decision No. P 72

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of HUGH A. BOYLE, EUGH ALLEN BOYLE and JAMES J. RYAN for certificate of public convenience and necessity to operate express and freight service between Sebastapol, Santa Rosa, Cotati, Petaluma, Novato and San Francisco.

Application No. 5578.

In the Matter of the Application of HUGH A. BOYLE, EUGH ALLEN BOYLE and JAMES J. RYAN, co-partners, for certificate of public convenience and necessity to operate express and freight service between Sebastapol, Santa Rosa, Cotati, Petaluma, Novato and Richmond, Berkeley and Oakland, in Contra Costa and Alameda Counties.

Application No. 5778.

- Sullivan, Sullivan and Roche, by Geo. D. Squires for Applicants.
- Geary and Geary by W. F. Geary, and E. H. Maggard for Petaluma & Santa Rosa Railroad Company, Protestant.
- R. W. Palmer and J. J. Geary for Northwestern Pacific Railroad Company, Protestant.
- J. R. Allen for American Railway Express, Protestant.
- J. L. Peters for Tax Payer's Association of Sonoma County, Protestant.

BY THE COMMISSION:

O P I N I O N

Hugh A. Boyle, Hugh Allen Boyle and James J. Ryan, partners in business, 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 Sebastapol and

San Francisco, serving as intermediates the communities at Santa Rosa, Cotati, Petaluma and Novato.

Hugh A. Boyle, Hugh Allen Boyle and James J. Ryan, as co-partners, 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 Sebastapol and Richmond, Berkeley and Oakland, serving as intermediates the communities at Santa Rosa, Cotati, Petaluma and Novato,

Public hearings on the above entitled proceedings were held by Examiner Geary at Santa Rosa and by Examiner Handford at Petaluma and Oakland, the matters were duly submitted on briefs filed by counsel for applicants and protestant, Petaluma and Santa Rosa Railroad Company, and are now ready for decision.

Applicants propose to charge rates in accordance with schedules marked exhibit "A" and attached to each of the applications in the above proceedings and to operate on a schedule of one round trip daily except Sunday, to each San Francisco and Oakland; using as equipment one G. M. C. Automobile Truck, equipped with pneumatic tires, two ton capacity, and two White Automobile Trucks each of two ton capacity, and such trailers and other motor equipment as the demands of traffic may require.

Applicant relies as justification for the granting of the applications upon the alleged facts that an excessive breakage of eggs and shrinkage of poultry exists due to excessive handling necessary by present methods of transportation which would be eliminated by truck shipment; quicker delivery by truck shipment resulting in a saving to producer and wholesaler by eliminating expense and time consumed in hauling to and from railroad stations; and that transportation from points in

Sonoma County to Richmond, Berkeley and Oakland is now accomplished by traversing a long and circuitous route consuming from twenty-four to thirty-six hours.

Witnesses for applicant testified as to the service now rendered by one of the applicants as a contract carrier between Petaluma and San Francisco in the handling of live poultry; as to the financial ability of applicants to furnish all equipment necessary to satisfactorily care for the demands of traffic; and as to the desirability of the proposed service between Richmond, Berkeley and Oakland, particularly as regards the shipment of apples and other fruits and poultry products. Petitions signed by 117 merchants and business men of Oakland and Richmond requesting the establishment of the desired service were filed at one of the hearings on this proceeding.

The granting of the application is opposed by the Petaluma and Santa Rosa Railroad Company on the basis that the service proposed is unnecessary and that satisfactory service for shippers of poultry, poultry products, fruit and other commodities is available by the electric railway and steamers operated by this protestant, and that any shipments diverted from the line of protestant's railroad would weaken its ability to give satisfactory service to the public. Protests in behalf of this protestant were filed by the First National Bank of Sebastapol; Weeks Hardware Company of Sebastapol; Petaluma Chamber of Commerce; Board of Trustees of the Town of Sebastapol; Sebastapol Berry Grower's Association; Sebastapol Apple Grower's Union; Poultry Producers of Central California; Egg Dealers of Petaluma; Live Poultry Shippers of Petaluma and Sebastapol Commercial Club.

The granting of these applications is opposed by the Northwestern Pacific Railroad Company on the basis that express

service over its lines is available to all the points proposed to be served by applicant, and that freight service is available at cheaper rates than express rates for all commodities; eggs and live poultry being principally handled by express. The application is further opposed on the ground that the ferry boats of this applicant, operating between San Francisco and Sausalito, are badly crowded by automobile travel and that the automobile trucks are delaying passenger automobiles thereby adding to the congestion of traffic.

The applications are protested by the American Railway Express on the basis that adequate facilities^{at reasonable rates} are available for the handling of all express shipments between all the points proposed to be served by applicants.

The granting of the applications is opposed by the Taxpayer's Association of Sonoma County on the basis that the establishment of state freight and express lines as common carriers should not be permitted for the reason that the present construction of state and county highways is not sufficiently stable to warrant the degree of service exacted by heavy trucking thereover; that heavy trucking adds to the cost of maintaining such highways and secondary roads; that an expense of \$300,000.00 was incurred in Sonoma County during the past year for road maintenance; and that no complaint has been brought to the attention of the Taxpayer's Association regarding the service now rendered by the Petaluma and Santa Rosa Railroad.

We have very carefully considered all the evidence in this proceeding including the able briefs of counsel for applicants and protestant, Petaluma and Santa Rosa Railroad Company.

From the evidence in this proceeding it appears that

a showing of public convenience and necessity as regards the proposed operation between Sebastapol and San Francisco has not been made; that the existing transportation facilities are adequate to satisfactorily handle, with reasonable dispatch, all shipments offering for movement between these points, and the application for service between Sebastapol and San Francisco will be denied.

The situation regarding the service proposed between Sebastapol and Richmond, Oakland and Berkeley presents a different phase. The merchants and citizens of what are commonly known as the "East Bay Communities" are at present unable to secure reasonably direct service to and from the points in Sonoma County which are proposed to be served by the applicants herein. Shipments to or from such points now require a circuitous routing, either via San Francisco or in the case of Sebastapol or Santa Rosa, via Vallejo Junction, and the handling of perishable merchandise such as fruit, vegetables, poultry or eggs should follow the most direct methods of communication and should not be delayed by the necessity of reshipment or transfer from San Francisco. The lack of direct communication between Sonoma County points, as proposed to be served by applicant, and the East Bay communities above referred to has undoubtedly been the cause of close business relations not having been established between the producing centers of Sonoma County and the wholesale and retail markets on the east side of San Francisco Bay. There is before the Commission in this proceeding conclusive evidence that such relations would be established if a means of communication were to be provided, as is proposed by applicants herein. Wholesale merchants are shipping apples in truck load lots from the Sebastapol territory

to Oakland, Oakland and Richmond dealers in poultry and eggs desire to do business with the poultry producing centers of Sonoma County and merchants in Oakland desire to expand their territory to include portions of Sonoma County now served by San Francisco wholesalers and jobbers.

We are of the opinion and find as a fact that the proposed operation between Sebastopol, Richmond, Berkeley and Oakland and intermediate points will serve a public convenience and necessity and the application should be granted in accordance with the following order.

O R D E R

Public hearings having been held in the above entitled proceedings, the matters having been duly submitted on briefs filed by interested counsel, the Commission being fully advised, and basing its order on the finding of fact as set forth in the preceding opinion,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Hugh A. Boyle, Hugh Allen Boyle and James J. Ryan, partners in business, of an automobile truck line as a common carrier of freight and express between Sebastopol and San Francisco and intermediate points, and

IT IS HEREBY ORDERED that this application be and the same hereby is dismissed.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity requires the operation by Hugh A. Boyle, Hugh Allen Boyle and James J. Ryan, co-partners, of an automobile truck line as a common carrier of freight and express between Sebastopol and Oakland, Berkeley and Richmond, serving as intermediates the communities at Santa Rosa, Cotati, Petaluma and Novato; provided, however, that this certificate conveys no authority for operation between Oakland and San Francisco; and provided, further, that the rights and privileges hereby authorized may not be transferred or 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 certificate unless such vehicle is owned by the applicants herein or is leased by such applicants under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that applicants herein shall file with this Commission within ten days from the service of this order a written acceptance of the terms and conditions of same, such acceptance to state the date ^{upon} which operation will be commenced over the route herein authorized, such date to be not less than thirty days from the date of said acceptance and to be preceded by the filing with this Commission of tariffs, rates, rules and regulations as prescribed in the Commission's General Order No. 51. If acceptance of this order, filing of tariffs, rules and regulations and commencement of operation are not made by applicants as hereinabove provided this order will stand suspended, null and void, without further order of this Commission.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 10th day of September, 1920.

Edwin O. Edgerton
H. L. Leonard
Frank R. DeWitt
H. B. Brundage

Commissioners.