

Decision No. 8275

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of Highway Transport Company, a )  
corporation, for Certificate of )  
Public Convenience and Necessity )  
to operate automotive freight )  
service between Mountain View and )  
San Jose by way of Alviso, Agnews )  
and intermediate points. )

ORIGINAL

APPLICATION NO. 6110.

J. E. McCurdy, for Applicant.

L. N. Bradshaw, for Southern Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The Highway Transport Company, a corporation, has made application petitioning the Railroad Commission for certificate of public convenience and necessity to operate an automotive freight service between the town of Mountain View and the city of San Jose via Alviso, Agnew and intermediate points. A public hearing having been held the matter is now ready for decision.

The testimony showed there is no other motor truck transportation now being rendered between the points in question and that no direct rail service is in operation.

The Commission is of the opinion that this application should be granted.

O R D E R

IT IS HEREBY ORDERED that public convenience and necessity require the Highway Transport Company, a corporation, to operate an automotive freight transportation service between Mountain View and San Jose, via Alviso, Agnew and intermediate points, this route being an extension of applicant company's service now being rendered between San Francisco and San Jose.

This order is subject to the following conditions:

1st- That the applicant, Highway Transport Company, a corporation, will be required within ten (10) days from the date of this order to file a written acceptance of the same with the Railroad Commission and will commence operation over the line proposed within ninety (90) days from the date of this order.

2nd- The applicant, Highway Transport Company, a corporation, will be required to immediately file a tariff and time schedule in duplicate, covering the rates, rules and charges over this new line such tariff and time schedule to be in accordance with General Order No. 51 and other regulations of the Railroad Commission.

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

4th- That no vehicle may be operated by the applicant, Highway Transport Company, a corporation, unless such vehicle is owned by it or is leased by it for a specified amount on a trip or

term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation company by whom such driver or operator is engaged.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of October, 1920.

H. H. Hayward  
Stanley P. Linn  
H. B. Broun  
Ernest Martini  
Commissioners.