

ORIGINAL

Decision No. 8892

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of W. M. HUFFMAN for a certificate of public convenience and necessity to operate auto truck and express service as a transportation company between Turlock and Oakland and Berkeley, and intermediate points.

Application No. 6476.

- L. B. Randall for F. M. Hodge, et al.
- Harry A. Encell for Applicant.
- L. N. Bradshaw for Southern Pacific Company, and The White Lines.
- N. K. Lockwood for American Railway Express Company.

BY THE COMMISSION.

O P I N I O N

W. M. Huffman herein applies for authority to operate an automotive truck service as a common carrier of freight and express between Turlock, Oakland and Berkeley, serving as intermediate points Ceres, Modesto, Salida, Ripon, Manteca, Tracy, Livermore and Hayward. It is proposed to serve Berkeley only as to cream.

A public hearing upon the application was held by Examiner Westover at Turlock, of which all interested parties were notified and given opportunity to appear and be heard.

Applicant proposes to operate one round trip daily, except Saturdays, leaving each terminal at 5:00 P.M., arriving at the other terminal at 11:30 P.M., for the transportation of butter, eggs, cream and live chickens. The ground of the application is

that there is a present demand for the transportation of above commodities with a speedy and safe door to door delivery, not now provided by the Southern Pacific Company or American Railway Express Company operating over the Southern Pacific lines,- the only present carriers serving the points named.

No testimony was presented tending to show traffic conditions at any intermediate point except Corcoran, and the reference to it was casual. At each terminal and at the principal intermediate points, the express company maintains a pick-up and delivery service without extra charge as to all goods transported except cream. There was considerable testimony to the effect that the express company declined to pick up goods in Turlock, and also that it required all goods to be delivered at its station by 2:30 P.M. daily, although on these points the testimony is conflicting. At points where the express company offers or claims that it gives service, it should fully advise the shipping public of that fact. It will certainly be able to arrange so that perishables may be received at its stations a very short time before the departure of the express car designed to carry such shipments. We believe the conditions complained of in these particulars can be corrected by the express company without the necessity for authorizing the operation of additional carriers to provide a service which the company holds itself out as ready to perform. The express company sets out a car for loading at Turlock which is brought in by Train No. 35, leaving Turlock at 4:15 P.M. and arriving at Oakland at 11:15 P.M., goods being ready for delivery upon the opening of business in Oakland or San Francisco the following morning; returning, goods leave Oakland at 4:38 P.M. on Train No. 50, arriving at Turlock at 8:40 P.M. These schedules are so nearly those of the applicant that the express company can apparently render substantially

the same service that applicant proposes, if the company will make available its wagon service and receive the perishable goods at its stations shortly before the departure of its car.

The rates of applicant and the express company are the same on cream and live poultry, and are substantially the same on eggs, except that applicant proposes to charge 3 cents each for the return of empty cases and crates; on butter, applicant's rate is 50 cents per hundred pounds and the express company's rate is 96 cents. Applicant proposes to pick up and deliver cream.

The testimony justifies the granting of the application only as to butter and cream transported between Turlock, Oakland and Berkeley.

If the express company is unable to provide satisfactory wagon service at terminals, and arrange to receive perishables up to a reasonable time before the departure of trains, applicant may make a suitable showing of that fact and the Commission can, if it then deem it advisable, make suitable supplemental order herein.

#### O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by W. M. Huffman of an automotive truck service between Oakland, Berkeley and Turlock for the transportation of butter and cream only; but public convenience and necessity do not require such service to or from any other of the points described in the application, nor as to any classes of freight or commodities other than butter and cream.

The operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said

service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicant shall, within twenty (20) days from the date hereof, file with the Railroad Commission his schedule and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

The Commission reserves the right to make such other or further order or orders in the above matter as it may deem advisable.

Dated at San Francisco, California, this 20<sup>th</sup> day of April, 1921.

H. D. Lovland  
H. B. Brundage  
Dwight Martin

Commissioners.