

ORIGINAL

Decision No. 9261.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application)
of RIVERDALE CREAMERY CO., for)
certificate of public convenience)
and necessity to operate freight)
service between San Francisco)
and Santa Clara County.)
.....)

APPLICATION No. 6946.

B. Anixter for Applicants.
L. H. Bradshaw for Southern Pacific Company,
Protestant.
Edward Stern for American Railway Express
Company, Protestant.

BY THE COMMISSION:

OPINION.

L. H. Anixter, Ben Anixter and I. H. Anixter, co-partners proposing to operate under the fictitious name of Riverdale Creamery Co., have petitioned the Railroad Commission for an order declaring that public convenience and necessity requires the operation by them of an automobile truck service as a common carrier of milk in cans from points in Santa Clara County to San Francisco.

A public hearing on this application was conducted by Examiner Handford at San Francisco on July 16, 1921, at which time the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with an exhibit filed with the application in this proceeding, such rates to include the transportation of milk cans returned empty; to operate on a schedule of two round trips daily over a route from San Francisco via Lincoln highway to Mountain View

thence to Alviso thence via Santa Clara Road and through Agnews to Lawrence and via the Lawrence Road to Lincoln Highway. The equipment proposed to be used in this service consists of two Pierce Arrow trucks each of five ton capacity and two trailers.

At the hearing on this proceeding, Mr. B. Anixter, one of the applicants, testified that the partnership was engaged in the distribution of milk in the San Francisco market purchasing such commodity for their own account from a number of ranches in the territory for which operative rights are sought in this proceeding. At the present time approximately three hundred cans of milk are transported by the partnership, two trips per day being made from San Francisco collecting milk from ranchers and dairies in the district above outlined. Some reserve capacity is available on the trucks and trailers now operated by applicants herein and it is their desire to haul milk for the account of their dairymen only to an extent that will result in full loads being hauled and to utilize the present excess capacity of the trucks now devoted by this partnership to the hauling of their own milk. It was stipulated that it was not the desire of the applicants to engage in the hauling of any other commodity than milk destined San Francisco and the return of the empty containers from San Francisco to the ranchers and dairies from which the milk was procured and that no authority was requested by applicants for the hauling of any milk in excess of an amount that could be transported by the present equipment of the applicants which consists of two-five ton trucks and two trailers operated in connection with such trucks.

The Southern Pacific Company and the American Railway Express Company, appearing as protestants in this proceeding,

withdrew their protests against the granting of the certificate by reason of such above mentioned stipulation.

After consideration of the evidence in this proceeding and of the stipulation of applicants, we are of the opinion that the desired certificate should be granted subject to the conditions contained in the following order.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised and of the opinion that this application should be granted,

THE RAILROAD COMMISSION HEREBY DECLARES, That public convenience and necessity require the operation by L. H. Anixter, Ben Anixter and I. H. Anixter, co-partners, proposing to operate under the fictitious name of Riverdale Creamery Co., of an automobile truck line as a common carrier of milk in cans between San Francisco and points in Santa Clara County as specifically described in the foregoing opinion; provided, however, that the authority hereby issued is confined solely to the transportation of milk in cans originating at the points in Santa Clara County as mentioned in the opinion preceding this order and that no other freight shall be carried except milk to the San Francisco district and the return of empty cans or carriers to the ranches and dairies from whom the shipments of milk destined San Francisco are procured; and provided, further, that the authority hereby contained is limited as to volume of shipments to the capacity of the equipment as now proposed to be operated by applicants herein, such equipment being two trucks, each rated by manufacturers as of five ton capacity, and two trailers used in connection with such trucks.

IT IS HEREBY ORDERED:

I - That applicants herein shall within ten days from the date of this order file with the Railroad Commission an acceptance of the certificate herein authorized, such acceptance to state the date upon which the operation proposed shall commence. Applicants, prior to the commencement of operation, will be required to file with this Commission in accordance with the provisions of General Order Number 51 and other regulations of this Commission a tariff or schedule of rates and a time schedule.

II - The certificate hereby granted may not be sold, leased, assigned, transferred or hypothecated or the service discontinued unless the written permission of the Railroad Commission to such sale, lease, assignment, transfer, hypothecation or discontinuance has first been secured.

III - No vehicle may be operated under the authority conferred by 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.

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 23rd day of July, 1921.

H. A. Brundage

H. D. Loveland

Dorothy Weston

Commissioners.