

Decision No. 24516

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
WINTERS DRAY LINE, a co-partnership,
for a certificate of public convenience
and necessity to operate an automo-
tive truck line.

Application
No. 18920.

E. M. Ball, and Reginald L. Vaughan, for Applicant,
McCutchen, Olney, Mannon & Greene, by
Carl I. Wheat, for the River Lines.
E. W. Hobbs for Southern Pacific Company and
Pacific Motor Transport Company.
E. W. Hobbs and Edward Stern for Railway
Express Agency, Inc.
W. L. Warner for Sacramento Auto Truck Co.

BY THE COMMISSION:

OPINION

This application for a certificated truck service from Winters, Davis and Sacramento to San Francisco came on regularly for hearing at Winters on October 4, 1933, before Examiner Johnson.

At the hearing the River Lines, Pacific Motor Trucking Company, Southern Pacific Company and Railway Express Agency, Inc. were represented. All of these interested parties withdrew their opposition to this application, when the applicant amended the same to limit his service to Winters and vicinity on the one hand and San Francisco and Oakland on the other hand, and also transport only fresh

fruits and vegetables from Winters and vicinity to San Francisco and Oakland, and returning only transport used containers not intended for sale or speculation.

The applicant proved by a number of public witnesses the need and urgent necessity for the service proposed for the perishable fruit and vegetable crops in and around Winters.

O R D E R

The Winters Dray Line, having made application for a motor freight service, hearing thereon having been held and the matter having been duly submitted and now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the granting of certificate for a motor truck service for the transportation of only fresh fruits and vegetables for Winters and vicinity on the one hand to San Francisco and Oakland on the other hand and returning used containers not intended for sale or speculation in the reverse direction.

IT IS HEREBY ORDERED that the applicant be granted a certificate of public convenience and necessity to serve San Francisco and Oakland from the territory in the vicinity of Winters described as follows in the amended application:

Commencing at a point on the Madison-Winters Highway at the intersection of the southwest corner of Section 34 and the southeast corner of Section 33 in T 9, N. R 1 W. MDEM; thence easterly approximately six (6) miles to the northeast corner of Section 4, T 9 N. R 1 E. MDEM; thence southerly to the Yolo-Solano County Line; thence in a westerly direction following the Yolo-Solano County Line to the northeast corner of the Wolfskill One Thousand Acre Tract in Solano County; thence southerly along the

easterly boundary of said tract to the south boundary thereof; thence westerly along the south boundary of said tract projected approximately nine (9) miles to a point one (1) mile easterly from Pleasant Valley Highway; thence southerly along a line paralleling said Pleasant Valley Highway to a point intersecting the Pacific Highway; thence westerly to a point one (1) mile west of said Pleasant Valley Highway; thence northerly along a line paralleling said Pleasant Valley Highway to the Yolo-Solano County Line; thence westerly along the Yolo-Solano County Line to the Napa County Line; thence northerly along the Yolo-Napa County Line approximately twelve (12) miles to the south line of Section 34 T 10 N. R 3 W. MDEM; thence easterly to the point of commencement.

The rates to be charged by applicant for this service are to be in accordance with the schedule submitted as Exhibit "BB" with the Amended Application, i.e., \$12.00 per ton for less than truck load lots and \$8.00 per ton for truck load lots of four tons or more, with empty used containers not for sale or speculation returned from the bay district free of charge.

IT IS HEREBY FURTHER ORDERED that the route to be followed is as given by Schedule "C" of the original application on the County Road between Winters and Vacaville, thence along Route 40 of the State Highway System from Vacaville to Oakland and via auto ferry to San Francisco.

The above certificate of public convenience and necessity is to be granted subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file in triplicate and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted.

3. Applicant shall file in duplicate and make effective within a period of not to exceed thirty (30) days from date hereof, on not less than five (5) days' notice to the Commission and the public, time schedules, according to form provided in General Order No. 83, covering the service herein authorized, in a form satisfactory to the Railroad Commission.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
5. No vehicle may be operated by applicant herein 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.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13th day of November, 1933.

O. C. Leary
Leon ...
M. A. ...
M. B. ...
Arthur ...
Commissioners.