

Decision No. 27184

27184

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
JACK REID for a certificate of public
convenience and necessity to operate
Auto Truck Line for the transportation
of property for compensation, as a
common carrier, over the public highways
between the City of Petaluma, in the
County of Sonoma, the Town of Point
Arena, in the County of Mendocino and
the Town of Fort Bragg in the County
of Mendocino, and the intermediate
points by way of Santa Rosa, Yorkville,
Booneville, Philo, Wendling, Navarro,
Point Arena, Manchester, Albion, Little
River, Mendocino and Fort Bragg.

Application No. 18703

Toland C. McGettigan, for applicant.

Sanborn & Roehl and W. H. Kessler, for
Mendocino Coast Transport Company
and California Western Railway and
Navigation Company, protestants.

H. W. Hobbs, for Northwestern Pacific
R. R. Co. and Pacific Motor Transport
Company, protestants.

Edward Stern and H. W. Hobbs, for Railway
Express Agency, Inc., protestant.

WARE, Commissioner:

O P I N I O N

By Decision No. 27019 herein, issued May 7, 1930,
applicant Jack Reid was denied a certificate of public conven-
ience and necessity for the establishment and operation of auto-
motive freight service between Petaluma, Santa Rosa and Clover-
dale on the one hand and all points between Cloverdale and Fort
Bragg and Point Arena, via Navarro, on the other hand. Applicant
duly filed his petition for rehearing herein and this petition
was granted June 15, 1934.

Public rehearing was held at San Francisco, October 22,
1934.

At this rehearing applicant and protestants joined in a written stipulation that the matter be again submitted on the record previously made. The stipulation further provided that protestants would withdraw all further protest if applicant would accept from the Commission a certificate limited to certain commodities, rates and restrictions, as set forth. Upon this presentation the matter was again submitted for decision.

By the stipulation applicant agrees to transport certain commodities originating at Petaluma and Santa Rosa only; all shipments originating in San Francisco may be received by applicant at Cloverdale only and moved by applicant to points beyond. This prevents applicant from receiving any San Francisco shipments except such as are delivered to him at Cloverdale by Northwestern Pacific Railroad or Pacific Greyhound Lines, Inc., who alone serve Cloverdale from San Francisco. Of course applicant will be enabled to receive or discharge other shipments at Cloverdale to and from points beyond Cloverdale.

The stipulation restricts applicant to the transportation only of cream and milk in cans; eggs in cases; feed (animal or poultry) in bags; poultry (live) in coops; fertilizer and fertilizer material; grain, potatoes and salt in bags; farm machinery and parts; dairy equipment and parts, and empty containers. Revised rates for such carriage were fixed in an amendment to the application marked "Exhibit A-1" attached to the stipulation.

Review of the testimony in the record supports the allegation of convenience and necessity for such commodities and places the stipulation of all parties in consonance with the record. The restrictions imposed afford reasonable protection to Northwestern Pacific Railroad in its rail haul between San Francisco and Cloverdale.

I propose the following form of order:

O R D E R

Jack Reid having made application for a certificate of public convenience and necessity authorizing automotive service as a common carrier of property between Petaluma and Santa Rosa and Cloverdale and Fort Bragg and Point Arena and intermediate points, via Navarro, public hearings having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation of the service proposed only for the transportation of cream and milk in cans; feed (animal or poultry); fertilizer and fertilizer material; grain, potatoes and salt, in bags; poultry (live) in coops; farm machinery and parts; dairy equipment and parts; eggs in cases, and containers for the commodities herein authorized, when empty; and no other commodities; between Petaluma, Santa Rosa and Cloverdale, on one hand, and Yorkville, Booneville, Philo, Wendling, Mendocino City and Fort Bragg, on the other hand, and points intermediate between Cloverdale and Fort Bragg on said route, including Cloverdale and Fort Bragg, and subject to the following restrictions:

(a) that it shall not be deemed or construed as permitting or authorizing applicant to transport the articles so enumerated between said points where said articles commence transit in San Francisco and are destined to points beyond Cloverdale on applicant's route, in one continuous movement.

(b) that it shall not be deemed or construed as permitting or authorizing applicant to perform local service between Petaluma and any point intermediate between Petaluma and Cloverdale, including Cloverdale, over and along the following route:

Via Redwood Highway between Petaluma and Cloverdale
and via main highway between Cloverdale and Navarro and Coast
Highway between Navarro and Fort Bragg; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to Jack Reid subject to the following conditions:

1. Applicant shall file his 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 after the effective date of this order, 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 Exhibit "A-1" attached to stipulation filed herein insofar as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Commission and the public, time schedules 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 him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS FURTHER ORDERED that in all other respects said application be denied.

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 5th day
of November, 1934.

Leon Whitred

W. A. Cunn

W. B. Cunn

W. H. Cunn

Frank Cunn

Commissioners.