

DECISION NO. 28453

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHARLES D. CRANDALL and ARTHUR T.
SILVA, a copartnership, for certifi-
cate of public convenience and
necessity to operate vessels for the
transportation of freight for com-
pensation between points upon the
inland waters of the State of Calif-
ornia.

ORIGINAL

Application No. 20205

Charles D. Crandall, for applicant.

A.L. Whittle, for Southern Pacific Company, North-
western Pacific Railroad Company and Petaluma
& Santa Rosa Railroad Company, protestants.

Benjamin Walters, for Island Transportation Com-
pany, protestant.

BY THE COMMISSION:

O P I N I O N

By application filed October 24, 1935 applicant, a co-
partnership consisting of Charles D. Crandall and Arthur T. Silva,
sought a certificate of public convenience and necessity authoriz-
ing the operation of the Motor Ship "Eight Brothers" for the trans-
portation of freight upon the inland waters of this State "between
the ports of Stockton and San Francisco via the Sacramento and San
Joaquin Rivers, serving all intermediate landings". This application
was amended November 1 and 25, 1935 and at the hearing had before
Examiner Freas at Stockton December 12, 1935. As it now stands the
authority sought is limited to the operation of the M.S. "Eight Brothers"
for the transportation of (1) grain in lots of 80,000 pounds or over
from B.B. Ranch Landing, Tolands Landing, Rio Vista, Newton, and from

the Sacramento and San Joaquin Rivers and Deltas to San Francisco Bay Terminals, Petaluma, Port Costa, South Vallejo and Stockton; (2) potatoes and onions in lots of not less than 100 sacks from the San Joaquin River and Delta to San Francisco Bay Terminals, Middle River, Terminous, Stockton, Antioch, Isleton, Locke and Hood and from the Sacramento River and Delta to San Francisco Bay Terminals; and (3) celery in lots of 200 crates or over from the Sacramento and San Joaquin Rivers and Deltas to Stockton, Orwood, Middle River, Antioch, Golden State Dock and Locke.

Two shipper witnesses were called in support of the application. The one, a shipper of grain and beans, testified that during the harvest season there was often a shortage of water transportation with a resulting delay in the movement of grain. He believes that there is a necessity for the proposed service and has found applicant's service efficient, satisfactory and prompt. On cross examination he admitted that the Island Transportation Company had never refused to transport any of his shipments but added that it was "a case of getting prompt service". He agreed that the Stockton Channel ordinarily "was full of boats" but argued that this was not true at the particular time he was looking for service.

It was stipulated that the second witness would testify to the same effect.

Another witness operating boats in this general territory testified that he believed there was a public need for the proposed service for the transportation of potatoes and onions and celery.

Testifying in behalf of the copartnership Mr. Crandall stated, "I know a public need exists for this service and has existed for some years back and there isn't any reason why it should not exist in the next cropping season of potatoes and celery". He offered for the record letters represented to be endorsements of the proposed service.

Upon the objection of opposing counsel on the ground that no opportunity was afforded to cross examine the writers, the letters were not admitted.

The foregoing is the extent of the showing made by and on behalf of applicant.

Counsel for the Southern Pacific Company, Northwestern Pacific Railroad Company and Petaluma and Santa Rosa Railroad Company stated that in view of the amendments made at the hearing, these carriers were not objecting to the granting of the applications. Benjamin Walters however objected strenuously. He testified that there were too many boats and carriers on the rivers at the present time, and argued that many shipments formerly transported by vessel were now moving by truck and that a substantial portion of the floating equipment now available would never be used. Even during peak seasons he contends the existing carriers can transport all of the traffic without delay.

By Decision No. 26444 of October 17, 1933, In re Application of Crandall and Silva for permission to operate a for-hire vessel, this applicant was granted a permit to operate the power boat "Eight Brothers" for the transportation of grain, corn and mill feed for certain parties, including the two shippers who testified in this proceeding, between Delta points and Stockton, Port Costa, San Francisco, Oakland, Petaluma and Alameda. The permit was made to expire on April 1, 1934. To what extent the common carrier service here proposed differs from the for-hire service just referred to, the record does not show.

The meager showing made by applicant is far from convincing that public convenience and necessity require the granting of a certificate for the operation of the M.S. "Eight Brothers" in common carrier service. Certificates are not granted merely to meet the

desire of an operator (20th Century Delivery Service, 38 C.R.C. 771 and cases cited therein). On this record the application must be denied.

O R D E R

This matter having been duly heard and submitted,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 21st day of December, 1935.

Leon A. Russell

M. H. Carr

M. B. Davis

M. H. Meyer

Frank R. Dwyer

Commissioners