

Decision No. 30121

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
W. E. Eibbitt for a certificate of )  
public convenience and necessity for )  
the extension of his motor truck line )  
as a highway common carrier for the )  
transportation of freight beyond Vallejo, )  
directly into San Francisco and Oakland, )  
excluding local traffic between Vallejo, )  
Oakland and San Francisco and intermediate )  
points, under the name of Sacramento )  
Motor Transport. )

Supplemental  
Application  
No. 20779

and  
associated cases

ORIGINAL

BY THE COMMISSION:

1ST SUPPLEMENTAL OPINION AND ORDER

By this supplemental application W. E. Eibbitt, operating under the name and style of Sacramento Motor Transport, seeks a temporary certificate of public convenience and necessity to operate motor trucks as a highway common carrier of property between the City of Vallejo, on the one hand, and Oakland and San Francisco on the other hand as an extension and enlargement of his present highway common carrier operating right between Sacramento and Vallejo, as acquired under Decision No. 25516, dated December 31, 1932, on Application No. 18602.

By Decision No. 30086, rendered September 7, 1937, in the above entitled proceeding this applicant was denied the authority to extend and enlarge his present certificate by the operation of trucks west of Vallejo. The Commission there found

"that public convenience and necessity do not require the establishment of the common carrier highway service by truck as proposed by the applicant herein, and that the application therefor should be denied."

Decision No. 30086 was rendered upon a consolidated record with Application No. 20742, in Re application of Southern Pacific

Golden Gate Ferries, Ltd. to abandon its San Francisco-Vallejo route and related matters. The ferry company, under the provisions of the Commission's order, abandoned its service with the close of business on September 12th.

The applicant in this supplemental application alleges that by reason of the discontinuance of the ferry service between San Francisco and Vallejo he no longer possesses the necessary facilities to transport property that originates north of Vallejo and is destined to San Francisco and Oakland; that applicant has property in his custody at Vallejo for delivery to San Francisco and Oakland which he is now unable to move farther and that he has not had the opportunity to notify shippers of his inability to perform the service.

Applicant does not propose to perform any local service between Vallejo and San Francisco and intermediate points but will confine his activities to the movement of property between points north of Vallejo and San Francisco and Oakland.

A public hearing does not appear necessary in this emergency and the application will be granted.

Applicant is hereby placed on notice and should clearly understand that the authority herein granted shall not be construed as a pronouncement or determination by the Commission of public convenience and necessity for the continuation of <sup>or</sup> the reestablishment of the service on and after the termination of the temporary period. The authority granted by this decision is for the sole purpose of meeting a temporary emergency created by the abandonment of the Southern Pacific-Golden Gate ferry service between San Francisco and Vallejo prior to the cancellation of applicant's joint rates and before applicant has had full opportunity to transport freight now in his possession and to advise his shippers

of the discontinuance of service between points north of Vallejo and San Francisco and Oakland. Applicant shall not urge the granting of this application as a basis of rehearing in the instant proceeding, nor as a basis for the granting of a permanent certificate of public convenience and necessity between the points involved.

O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the temporary establishment and operation by W. E. Hibbitt of a highway common carrier service between Vallejo on the one hand and San Francisco and Oakland on the other hand, as an extension and enlargement of his existing right for a period of ten (10) days from the effective date hereof, and subject to all limitations and restrictions heretofore imposed thereunder and further provided that:

(a) No service shall be performed locally between Vallejo and San Francisco; between San Francisco and Vallejo respectively, and points intermediate to San Francisco and Vallejo; nor between points intermediate to San Francisco and Vallejo.

(b) The temporary authority herein granted shall lapse and become void ten (10) days from the effective date of this order.

(c) The rates to be charged shall be those rates now filed with this Commission under joint tariff arrangement.

(d) No service shall be rendered between points north of Vallejo on the one hand and points between Vallejo and San Francisco except Oakland on the other hand.

IT IS HEREBY ORDERED that a temporary certificate of public convenience and necessity therefor be, and the same is, hereby

granted to W. E. Hibbitt subject to the following condition:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed three (3) days from date hereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of September, 1937.

William H. Hays  
Leon Whitney

Ray L. Allen  
COMMISSIONERS.