

Decision No. 33:292

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
COASTSIDE TRANSPORT CO., INC., a)
corporation, for an order authorizing)
applicant to operate freight trucks,)
as an alternate route, between Santa)
Cruz and San Francisco, via State)
Highway No. 17 from Santa Cruz to Los)
Gatos, State Highway No. 9 to Sunny-)
vale, and U. S. Highways No. 101 or)
No. 101-A to San Francisco.)

Application No. 21820

ORIGINAL

HOWARD H. MORGAN & TOM MORGAN, for Applicant.

JOHN F. VIZZARD, for Highway Transport, Inc.,
Petitioner.

L. X. VIERIRA, for Southern Pacific Company
and Pacific Motor Trucking Company, as
Interested Party.

BY THE COMMISSION:

O P I N I O N

On March 21, 1938, the Commission issued its ex parte Decision No. 30708 herein which in general authorized applicant to use U. S. Highways 101 and 101-A and state routes numbers 9 and 17 between San Francisco and Santa Cruz as an alternate route of operation in addition to applicant's regular route of operation over the so-called "Coast Route" or state route No. 1 between San Francisco and Santa Cruz.

On May 19, 1938, Highway Transport, Inc., petitioned the Commission to either amend Decision No. 30708 by materially restricting the use of the alternate route or set aside such decision and reopen the proceeding for a public hearing. Pursuant to such request the matter was reopened and a public hearing thereon was held on July 8, 1938, before Examiner Paul and said matter having been duly submitted is now ready for decision.

As justification for the authority sought applicant alleged in its application, first, that a new highway is being constructed along the so-called "Coast Route," applicant's regular route of operation between Santa Cruz and San Francisco, and by reason of such construction work great inconvenience, delays and loss of time were caused applicant in the transportation of property over said route and, second, that the proposed alternate route being shorter in distance will be more convenient and less expensive for applicant's operation between termini. (1)

Previous to the issuance of Decision No. 30708, the authority granted applicant to operate between San Francisco and Santa Cruz over state route No. 1 was designed to provide a service to the territory along such route and more particularly to serve the territory intermediate to the termini rather than a terminal to terminal service. However, by authorizing use of the alternate route without restriction, applicant has been enabled to materially augment its terminal to terminal business possibly at the expense of the intermediate service.

The record on hearing shows that subsequent to the issuance of Decision No. 30708 applicant reduced its service over its regular route to three round trips weekly and established and operates three to five round trips weekly over the alternate route. In the operation over the alternate route applicant uses, in addition to its own trucks, equipment leased from Santa Cruz Motor Express, Ltd..

It was developed, through the testimony of representatives of applicant, that since the establishment of the alternate route operation there has been some marked increase in tonnage transported between San Francisco and Santa Cruz. It was also developed, as the

(1) The distance between San Francisco and Santa Cruz via the Coast Route is about 90 miles and via U. S. Highway 101 and State Routes 17 and 9 is about 78 miles.

record shows, that during such period of time petitioner has lost some traffic between San Francisco and Santa Cruz since establishment of operations by applicant between such points over the alternate route above referred to. The exact amount of tonnage in each case was not shown. Petitioner contends that its loss in tonnage was a direct result of the increase gained by applicant.

The record further shows, through the testimony of the maintenance superintendent, Division of Highways of the Department of Public Works of the State of California, that since the beginning of 1938 the Coast Route has been closed to through transportation but once, for a very short period of time, from April 4, 1938, to April 6, 1938.

Applicant contends that on through traffic between termini it should be allowed the use of the shortest available route. Applicant further contends that even with the greater tonnage developed over the alternate route such tonnage could not be hauled over the Coast Route at a profit. No showing was made to support applicant's request for an unrestricted use of the proposed alternate route. From the record now before us it appears that public convenience and necessity only require the use of the alternate route at such times as applicant's regular route is impassable because of earth slides, highway construction or reconstruction work. The order will be so amended.

O R D E R

A public hearing having been had and the Commission being now fully advised,

IT IS ORDERED that Decision No. 30708 is hereby modified by adding thereto the following conditions:

4. Said alternate route may be used only at such times as applicant's regular route of operations is rendered impassable because of earth slides, highway construction or reconstruction work.

5. Applicant shall notify the Commission, in writing, within five (5) days of each movement of its automotive equipment over said alternate route by reason of impassability of its regular route or otherwise.

IT IS FURTHER ORDERED that Decision No. 30708 shall in all other respects remain in full force and effect.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31st day of October, 1938.

Raymond A. Brown
Leon A. Whelan
Frank R. Deane
Ray L. Rice
V
COMMISSIONERS